

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KRISTIAN KORY BERG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81127-COA

FILED

FEB 19 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kristian Kory Berg appeals from a judgment of conviction entered pursuant to a guilty plea of attempted lewdness with a child under 14 years of age and statutory sexual seduction by a person over 21. First Judicial District Court, Carson City; James Todd Russell, Judge.

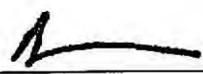
Berg argues the district court abused its discretion at sentencing by considering a written victim impact statement that lacked the victim's handwritten signature. Berg argues that the lack of a handwritten signature renders the victim impact statement unreliable. "A district court is vested with wide discretion regarding sentencing," and "[f]ew limitations are imposed on a judge's right to consider evidence in imposing a sentence." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). We will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Berg was sentenced to 60 to 150 months in prison for the attempted lewdness count and 48 to 120 months in prison for the statutory sexual seduction count. The sentences imposed are within the parameters provided by the relevant statutes. See NRS 200.368(1); NRS 201.230(2); NRS 193.330(1)(a)(1). Moreover, the record does support a finding that the evidence relied on by the district court was impalpable or highly suspect. And finally, Berg has not demonstrated prejudice where the district court imposed a sentence shorter than the 72 to 180 months that the State sought for the attempted lewdness charge. Having considered the sentences and the crimes, we conclude the district court did not abuse its discretion in sentencing Berg. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
Charles H. Odgers
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk