

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAJ NARESH DUGGAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83978-COA

FILED

APR 28 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Raj Naresh Duggal appeals from a judgment of conviction entered pursuant to a no contest plea of conspiracy to commit battery. Fourth Judicial District Court, Elko County; Mason E. Simons, Judge.

Duggal argues the district court abused its discretion at sentencing by relying on impalpable and highly suspect evidence and argument presented by the State. Duggal claims the State implied that the instant victim was underage when the victim was 19 years old; argued that while Duggal had no criminal history, he was a predator that had not yet been caught; and argued that Duggal already received leniency because he was not convicted of a felony. Duggal claims that these arguments were based on impalpable and highly suspect evidence, and that the district court relied on them when sentencing Duggal to the maximum possible sentence.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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).

The sentence imposed of 364 days in jail is within the parameters of the relevant statutes. See NRS 193.140; NRS 199.480; NRS 200.481. While the State should not have implied that the victim was underage, the defense informed the court that she was 19 years old, and Duggal fails to demonstrate the district court relied on the State's argument as to age at sentencing. Further, the district court stated it was not considering the State's argument or any other evidence that Duggal had previously been involved in this type of behavior. Instead, the district court stated it was imposing the maximum sentence based on the facts of the case. Duggal provided alcohol to an underage employee, kissed her, attempted to go further, and then told the victim not to tell her mother. The district court found that the behavior in this case was predatory and, based on that, concluded Duggal should receive the maximum sentence. Therefore, we conclude the district court did not abuse its discretion at sentencing by imposing the maximum sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mason E. Simons, District Judge
Lockie & Macfarlan, Ltd.
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk