

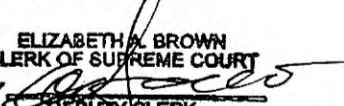
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES ROBERT STAPP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83886-COA

FILED

AUG 29 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

James Robert Stapp appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of attempted lewdness with a child under the age of 14 years. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Stapp argues that the district court abused its discretion by sentencing him to a term of imprisonment without properly considering his psychosexual risk assessment and mitigating evidence within that assessment. Stapp also argues that the district court erroneously relied on remarks made by the State at the sentencing hearing because they were founded on impalpable or highly suspect evidence.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987); *see also* NRS 176A.100(1)(c) (stating the granting of probation is discretionary). Generally, this court 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); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Stapp's concurrent sentences of 8 to 20 years in prison are within the parameters provided by the relevant statutes. See NRS 193.153(1)(a)(1) (previously NRS 193.330); NRS 201.230(2). The district court stated that it had reviewed counseling reports, eight letters of support, and the presentence investigation report, including the attached psychosexual risk assessment. Stapp does not identify what mitigating evidence the district court failed to consider. Moreover, the assessment determined Stapp was not a high risk to reoffend, but Stapp does not demonstrate the district court improperly considered other evidence, including victim impact statements, Stapp's demeanor at the hearing, and Stapp's criminal history. Finally, there is no indication the district court relied on the challenged remarks in imposing Stapp's sentence. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Stapp. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Connie J. Steinheimer, District Judge
The Law Office of Kristina Wildeveld & Associates
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk