

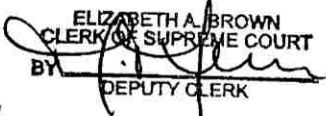
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BALEMBER CERON-SANDOVAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85171-COA

FILED

MAR 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

BaleMBER Ceron-Sandoval appeals from a judgment of conviction entered pursuant to a guilty plea of attempted sexual assault. Second Judicial District Court, Washoe County; Jerome M. Polaha, Senior Judge.

Ceron-Sandoval argues that the district court abused its discretion at sentencing because it imposed sentence based on its belief that he committed sexual assault. Ceron-Sandoval also contends that the district court was improperly influenced by its views on the ills of society.

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

At the sentencing hearing, the district court listened to the arguments of the parties. The district court also inquired into the facts surrounding the offense. The State clarified that the victim alleged that Ceron-Sandoval penetrated her but that the parties agreed to permit Ceron-Sandoval to enter a guilty plea to attempted sexual assault. In response, the district court noted that it had recently observed a criminal system with “prosecutors not prosecuting” rampant crime and expressed wonder at what was happening with society. The State ultimately argued that the facts of this offense did not warrant probation and urged the district court to impose a prison term of 5 to 20 years.

The district court noted that Ceron-Sandoval violated the victim’s bodily autonomy and stated that he should be punished for his actions. The district court decided to sentence Ceron-Sandoval to serve a prison term of 60 to 240 months. The district court also explained that it imposed sentence for attempted sexual assault but that it had considered the entirety of the circumstances of the offense.

The sentence imposed is within the parameters provided by the relevant statutes. *See* NRS 193.153(1)(a)(1); NRS 200.366(2). In addition, because the allegations of the offense included Ceron-Sandoval’s sexual penetration of the victim, Ceron-Sandoval does not demonstrate that consideration of the circumstances surrounding the offense amounted to consideration of impalpable or highly suspect evidence. *See Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). (“Few limitations are imposed on a judge’s right to consider evidence in imposing a sentence” and “[p]ossession of the fullest information possible concerning a defendant’s life and characteristics is essential to the sentencing judge’s task of determining the type and extent of punishment.”). Moreover, the district court’s decision

to decline to place Ceron-Sandoval on probation was within its discretion. *See* NRS 176A.100(1)(c); *see also* NRS 176A.110(1)(a). Based on the record, we conclude that Ceron-Sandoval does not demonstrate prejudice resulting from consideration of information supported only by impalpable or highly suspect evidence, and therefore, he fails to demonstrate that the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge, Second Judicial District Court
Second Judicial District Court, Department 10
Hon. Jerome M. Polaha, Senior Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk