

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DORIAN RAY KILFIAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85973-COA

**FILED**

MAY 11 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE AND REMANDING TO CORRECT  
JUDGMENT OF CONVICTION*

Dorian Ray Kilfian appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted sexual assault against a child under the age of 14 years. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Kilfian argues the district court abused its discretion at sentencing by imposing a sentence longer than either sentence recommended by the parties. 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).

Kilfian was sentenced to 72 to 180 months in prison. The sentence imposed is within the parameters provided by the relevant

statutes. See NRS 193.153(1)(a)(1) (previously NRS 193.330); NRS 200.366(3)(b). And Kilfian does not allege that the district court relied on impalpable or highly suspect evidence. Further, the district court is not required to follow the sentencing recommendations of the parties. See, e.g., *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in imposing Kilfian's sentence.

However, a review of the record on appeal reveals that the judgment of conviction contains a clerical error. It incorrectly states that Kilfian is guilty of a violation of "NRS 199.330." However, it appears that the district court intended to refer to NRS 193.330, which is the former codification of the statute providing punishment for attempts. Because the district court has the authority to correct a clerical error at any time, see NRS 176.565, we direct the district court, upon remand, to enter a corrected judgment of conviction containing the correct sentencing statute corresponding to Kilian's offense. See NRS 176.105(1)(c). For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED and REMAND to the district court to correct the judgment of conviction.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk