

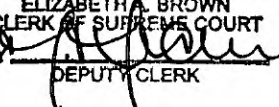
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY BLAZE MERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86344-COA

FILED

SEP 18 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Timothy Blaze Mero appeals from a judgment of conviction, entered pursuant to a guilty plea, of unlawful dissemination of an intimate image of another person. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Mero argues the district court abused its discretion by sentencing him to the maximum prison term rather than to probation. He claims the district court punished him for prior uncharged bad acts rather than for the instant crime.

The granting of probation is discretionary. *See* NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . .”). 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).

In her victim impact statement, the victim recounted two previous incidences where Mero had been violent with her in the presence of her children. In his allocution, Mero stated he had not been violent with the victim. In response, the district court stated, "You say that. But you know that breaking window [sic] and threatening activity and things like that endanger someone because they're nearby or endanger children, it's not technically physical because you didn't lay hands on them, but it's still terrifying. You understand that." Mero argues this statement by the district court, and the lack of other statements regarding why the district court chose a prison sentence over probation, demonstrate that the district court was punishing Mero for the prior uncharged crimes rather than the instant crime.

Mero's sentence of 19 to 48 months in prison is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(d); NRS 200.780(2), and Mero does not demonstrate that the district court relied on impalpable or highly suspect evidence. While punishing a defendant for prior uncharged bad acts is an abuse of discretion, *Denson v. State*, 112 Nev. 489, 494, 915 P.2d 284, 287 (1996), Mero fails to demonstrate that the district court punished him for his prior behavior.

The district court's statement was in response to assertions made by the defendant in his allocution and does not demonstrate the district court punished him for prior uncharged bad acts. Further, the district court is allowed to consider prior bad acts during sentencing "for the purpose of gaining a fuller assessment of the defendant's life, health habits, conduct, and mental and moral propensities." *See id.* Finally, the district court is not required to give its reasonings for imposing a particular sentence. *See Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414,

957 P.2d 1141, 1143 (1998). Accordingly, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Mero on probation. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, 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