

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CESAR HERRERA, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88913-COA

FILED

APR 23 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

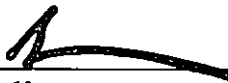
Cesar Herrera, Jr., appeals from a judgment of conviction, entered pursuant to a guilty plea, of felony coercion. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Herrera argues the district court erred at sentencing because it may have improperly considered a purported domestic violence incident involving Herrera and the victim that occurred in Utah. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). “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.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). The district court may “consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant.” *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); *see also* NRS 176.015(6). A district court may consider uncharged crimes during sentencing but “must refrain from punishing a defendant for prior uncharged crimes.” *Denson*, 112 Nev. at


494, 915 P.2d at 287. We “will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence.” *Id.* at 492, 915 P.2d at 286.

The victim gave an impact statement during sentencing where she told the court that Herrera “picked up another case” in Utah where “the police had to break in to get [her] out.” She further explained that this was the fourth case Herrera had picked up “since he agreed to stay out of trouble” and that the case was going to trial. The victim asked the court if it wanted her to give information regarding the Utah case and the court responded, “No . . . [i]t’s not before us.” While the court later stated it did not know what happened in Utah and questioned why the case was not included in the presentence investigation report, nothing in the record indicates the court considered the Utah case in its sentencing decision. In light of these circumstances, we conclude the district court did not abuse its discretion in sentencing Herrera, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Ronald J. Israel, District Judge
Michael Lasher LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk