

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAN KI LEMASTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89389-COA

**FILED**

**JUN 16 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Han Ki LeMaster 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; David A. Hardy, Judge.

LeMaster argues the district court erred by sentencing him to probation rather than diversion and a specialty court program under NRS 176A.240. In this case, diversion and the imposition of a specialty court program under NRS 176A.240 was within the district court's discretion. *See* NRS 176A.240(1); *see also 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 refrain from interfering with the sentence imposed "[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).


LeMaster appears to contend the district court relied on impalpable and highly suspect evidence because it considered the possibility that his conviction might be set aside if he successfully completes the specialty court program under NRS 176A.240. LeMaster appears to argue this was improper because he qualified for the specialty court program and thus he is the type of individual the Legislature intended to benefit from such a program.

At the sentencing hearing, the district court stated it had read LeMaster's substance abuse and psychological evaluations, both of which recommended his placement in a specialty court program. Prior to imposing sentence, the district court heard the argument of the parties and the victim's impact statement. In denying LeMaster's request for diversion and a specialty court program under NRS 176A.240 and in imposing a suspended prison sentence and probation, the district court specifically considered the facts of the crime and described it as "horrific," "consequential," and "unexplainable." The district court's consideration of the possibility that LeMaster's judgment of conviction might be set aside upon successful completion of the specialty court program and the propriety of such a result given the seriousness of the crime did not constitute reliance on impalpable or highly suspect evidence. Having considered the sentence and the offense, we conclude the district court did not abuse its discretion

by placing LeMaster on probation rather than granting him diversion and a specialty court program under NRS 176A.240. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. David A. Hardy, District Judge  
Mayhew Law PLLC  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk