

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARL P. EVANS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89487-COA

FILED

JUN 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Carl P. Evans, Jr., appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery which constitutes domestic violence with substantial bodily harm and domestic battery by strangulation. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Evans argues the district court abused its discretion at sentencing because it relied on a photograph that was not properly authenticated. Evans argues this unauthenticated photograph showing the victim's injuries amounted to impalpable and highly suspect evidence. Evans objected to the admission of the photograph, and the district court overruled the objection, concluding it was allowed to review exhibits brought forth in aggravation or mitigation at sentencing.

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).

The sentences imposed are within the parameters provided by the relevant statutes.¹ See NRS 193.130(2)(c); NRS 200.485(2), (5). And Evans does not demonstrate the photograph was impalpable or highly suspect evidence. The State was not required to authenticate the photograph prior to presenting it to the district court at sentencing. See NRS 47.020(3)(c) (stating that the provisions of Title 4 of the Nevada Revised Statutes—statutes regarding witnesses and evidence—do not apply to sentencing proceedings); NRS 52.015 (located within Title 4 of the Nevada Revised Statutes and requiring authentication of a document or other physical evidence as a condition precedent to admissibility). And Evans fails to cite any caselaw or statute requiring the State to authenticate a photograph so that it is not impalpable or highly suspect evidence. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (stating “[i]t is appellant’s responsibility to present relevant authority and cogent argument”).

Further, given the district court’s wide discretion in considering evidence presented at sentencing, Evans fails to demonstrate the district court abused its discretion by denying his objection to the court’s consideration of the photograph. See *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) (stating that “[f]ew limitations are imposed on a

¹Evans was sentenced to 28 to 72 months in prison for the battery which constitutes domestic violence with substantial bodily harm and a consecutive term of 24 to 60 months in prison for the domestic battery by strangulation.

judge's right to consider evidence in imposing a sentence" and that "[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 record clearly demonstrates the district court considered other information when sentencing Evans. *See id.* at 492-93, 915 P.2d at 286-87 (concluding relief was not warranted where "the district court's sentencing decision was not founded solely upon impalpable and highly suspect evidence"). Specifically, the district court found that "[t]he fact that an 11-year-old young man, boy, child, had to call 911 and you told the [victim] you were going to stomp her and then you did and she has those kind of injuries warrants the maximum sentence allowed by law." Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Evans. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Scott N. Freeman, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk