

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RASHAWN LEE CURD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89525-COA

FILED

JUL 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rashawn Lee Curd appeals from a judgment of conviction, entered pursuant to a guilty plea, of selling, transporting, or giving a schedule I or II controlled substance, second offense, at a recreational facility for minors or a public park. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Curd contends the district court failed to make a finding during sentencing that Curd's offense occurred at a recreational facility for minors or a public park as required by NRS 453.3345. Curd did not object to the district court's failure to make this finding below; thus, we review for plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). To demonstrate plain error, an appellant must show "(1) there was an 'error'; (2) the error is 'plain,' meaning that it is clear under current law from a casual inspection of the record; and (3) the error affected the defendant's substantial rights." *Id.*

Curd has not pointed to authority requiring the district court to make this finding at sentencing. Thus, Curd fails to demonstrate any error is clear under current law from a casual inspection of the record. *Cf. Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000) ("Other than the fact of a


prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.”). He further fails to demonstrate the purported error affected his substantial rights. Curd pleaded guilty to the charge *and* the enhancement. The amended information to which he pleaded guilty specifically provided that the offenses occurred within 1,000 feet of a park or recreational facility for minors. At the plea hearing, the State described the facts it intended to prove: Curd sold fentanyl at 400 Stewart Street, within 100 feet of Stewart Park, and at the 2600 block of East Ninth Street, within 1,000 feet of the Boys and Girls Club. Curd acknowledged that he committed the crimes as described. Because Curd admitted to the facts supporting the enhancement, he did not demonstrate that the district court plainly erred in imposing the enhancement at sentencing.

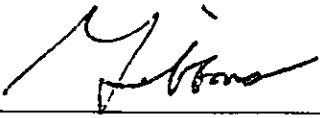
Curd also argues the district court abused its discretion when it imposed an aggregate term of 6 to 18 years’ imprisonment. Curd contends the district court did not consider his childhood trauma or his struggle with substance abuse.

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).

Here, the sentences imposed are within the parameters provided by the relevant statutes. See NRS 453.321(1)(a), (2)(b); NRS 453.3345(1). Curd does not allege the district court relied on impalpable or highly suspect evidence. The presentence investigation report described Curd's personal history, including the shooting in which his mother was murdered and he was injured. Counsel noted this incident and the fact that Curd had yet to meet his youngest child because the child was born while Curd was in jail. Curd also spoke in allocution and noted his past and stressed the nonviolent nature of his criminal history. Before announcing its sentencing decision, the district court acknowledged Curd's personal history and trauma; however, it found his significant criminal history of distributing controlled substances warranted a longer sentence. Having considered the sentence, the crime, and Curd's criminal history, we conclude the district court did not abuse its discretion in sentencing Curd. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk