

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SLATER LANCE YOHEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88456-COA

FILED

JUL 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Slater Lance Yohey appeals pursuant to NRAP 4(c) from a judgment of conviction, entered pursuant to a guilty plea, of two counts of robbery with the use of a deadly weapon and one count each of first-degree kidnapping, grand larceny of a motor vehicle, and eluding a police officer. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.¹

Yohey argues the district court failed to articulate specific findings in support of the deadly weapon enhancement as required by NRS 193.165 and *Mendoza-Lobos v. State*, 125 Nev. 634, 218 P.3d 501 (2009). He contends he was prejudiced as he would have received a less severe enhancement sentence had the court considered the facts of the crime, notably that he did not use a real firearm, his struggles with addiction, and the role substance abuse played in the offense.

¹The Honorable Elliott A. Sattler, District Judge, presided over Yohey's sentencing and entered the judgment of conviction in this case.

Yohey did not object to the sufficiency of the district court's findings during sentencing; therefore, we review this claim for plain error. *See Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 507. "Under plain-error analysis, an error that is plain from the record requires reversal if a 'defendant demonstrates that the error affected his or her substantial rights, by causing actual prejudice or a miscarriage of justice.'" *Id.* at 634, 218 P.3d at 507 (quoting *Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008)).

In determining the length of the deadly weapon enhancement, a district court must consider (1) "[t]he facts and circumstances of the crime;" (2) "[t]he criminal history of the person;" (3) "[t]he impact of the crime on any victim;" (4) "[a]ny mitigating factors presented by the person;" and (5) "[a]ny other relevant information." NRS 193.165(1)(a)-(e). The district court must also state on the record that it has considered these factors in making its determination. NRS 193.165(1).

Here, the record shows the district court was provided information concerning the factors enumerated in NRS 193.165(1): it heard argument regarding the facts and circumstances of the crime and Yohey's criminal history; it listened to the testimony from the victim about the impact of the offense; and it admitted evidence and heard argument about Yohey's mitigating circumstances, including his ministry and volunteer work as well as his acknowledgment of responsibility. The district court found Yohey's statements about his behavior to be insightful and genuine. Nevertheless, it concluded Yohey's criminal history and the seriousness of the instant offenses warranted a significant sentence. Thereafter, the

district court imposed sentences for the offenses as well as sentences of 1 to 4 years' imprisonment for each deadly weapon enhancement. In so doing, it noted that it considered the factors enumerated in NRS 193.165(1) when it imposed the enhancements. *See Marlin v. State*, No. 80077, 2021 WL 5629843, at *8 (Nev. Nov. 30, 2021) (Order of Affirmance) (affirming a defendant's sentence where the district court failed to make findings under the NRS 193.165(1) factors because the record showed the "district court was provided [and properly considered] information concerning all of the factors enumerated in NRS 193.165(1)"). Although the district court failed to make specific findings on the NRS 193.165(1) factors, nothing in the record indicates that the court's failure to make these findings on the record had any impact on the sentencing decision, particularly with regard to the district court's consideration of the seriousness of the offense or the impact of Yohey's drug use on his behavior. Accordingly, Yohey fails to demonstrate plain error affecting his substantial rights.

Next, Yohey asserts the district court erred in denying a claim regarding his guilty plea made in his postconviction petition for a writ of habeas corpus. He contended his guilty plea was not voluntary because he did not understand habitual criminal sentencing.

The postconviction court's ruling is not properly before this court as this appeal challenges only the judgment of conviction. Further, Yohey had the opportunity to appeal the denial of this claim in his appeal from the denial of the postconviction petition for a writ of habeas corpus. *See Yohey v. Wickham*, No. 78488, 2020 WL 1899602 (Nev. April 16, 2020) (Order of Affirmance). Accordingly, we decline to address this argument.

Having considered Yohey's contentions and concluding that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge
Law Office of Jeannie Hua
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk