

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIGY RICHARD LOPEZ-DELGADO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78472-COA

FILED

FEB 18 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Luigy Richard Lopez-Delgado appeals from a judgment of conviction entered pursuant to a guilty plea of statutory sexual seduction by a person 21 years of age or older, possession of visual pornography of a person under 16 years of age, and lewdness on a child older than 14 years of age. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Lopez-Delgado claims the district court abused its discretion at sentencing by failing to consider any of the mitigating evidence that he provided, his age, his lack of criminal history, and the parties' sentencing recommendation when deciding the sentence to impose.


We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentence imposed by the district court "[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). And NRS 176.035(1) plainly gives the district


court discretion to run subsequent sentences consecutively. *Pitmon v. State*, 131 Nev. 123, 129, 352 P.3d 655, 659 (Ct. App. 2015).

The district court sentenced Lopez-Delgado to prison terms of 48 to 120 months for the statutory sexual seduction count, 28 to 72 months for the possession of pornography count, and 48 to 120 months for the lewdness count. These prison terms fall within the parameters of the relevant statutes. See NRS 200.368(1); NRS 200.730(1); NRS 201.230(3). Lopez-Delgado has not alleged that the district court relied upon impalpable or highly suspect evidence. And the record demonstrates that the district court received the letters of mitigation, considered the presentence investigation report and psychological evaluations, and heard the parties' sentencing arguments. Given this record, we conclude Lopez-Delgado has failed to demonstrate that the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerome M. Polaha, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk