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Mason v. State, 132 Nev. Adv. Op. 42 (June 16, 2016)

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CRIMINAL: SENTENCING

Summary

The Court determined that pursuant to NRS 176.035(1),² a district court must pronounce aggregate minimum and maximum terms of imprisonment in a defendant's judgment of conviction.

Background

In August 2014, Quinzale Mason fired several shots at another male outside an apartment building. The bullets missed the male, but one of the bullets ricocheted and hit a girl nearby. Following a jury trial Mason was convicted of (Count One) battery with a deadly weapon as to the girl, (Count Two) assault with a deadly weapon as to the male, and (Count Three) being a felon in possession of a firearm. The district court imposed a prison term of three to ten years for count one, a consecutive prison term of two to five years for count two, and a concurrent prison term of two to five years for count three. The district court did not state the minimum and maximum aggregate terms of imprisonment during sentencing, as required by NRS 176.035(1),³ even though the offenses were committed after July 2014.

Discussion

The district court has a mandatory duty under NRS 176.035(1) to pronounce the aggregate terms of imprisonment in the judgment of conviction. The Legislature placed this duty on district courts to simplify the sentence structure, which in turn, promotes confidence in the criminal justice system and reduces confusion as to when an inmate is eligible for parole.⁴ By aggregating consecutive sentences, an inmate will serve the minimum time for the total consecutive sentences before being eligible for a parole hearing.⁵ Thus, aggregating consecutive sentences is a necessary step for the district court to take to apprise all parties, the Department of Corrections, and the public, of when an inmate is actually eligible for parole.

Conclusion

It was an error for the district court not to aggregate the sentences in the judgment of conviction, however, that error does not warrant a new sentencing hearing, as it does not affect the sentences imposed for each offense. The Court affirmed the judgment of conviction and remanded for the district court to correct the judgment of conviction to include the aggregate minimum and maximum terms of Mason's consecutive sentences as required by NRS 176.035(1).⁶

¹ By Shannon Diaz.

² NEV. REV. STAT. § 176.035(1) (2013).

³ *Id.*

⁴ *Hearing on S.B. 71 Before the Assembly Judiciary Comm.*, 77th Leg. 5–6 (April 19, 2013).

⁵ *Id.*

⁶ NEV. REV. STAT. § 176.035(1) (2013).