

SUPREME COURT OF NEVADA

Mason v. State

2016 NV 42 (Nev. 2016) · No. 67830 · Decided June 16, 2016

SUMMARY

The Nevada Supreme Court held that, under NRS 176.035(1), a district court must pronounce the aggregate minimum and maximum terms of imprisonment when imposing consecutive sentences for offenses committed on or after July 1, 2014. The court affirmed Mason’s convictions and sentences but remanded for correction of the judgment of conviction to include the aggregate terms, nunc pro tunc to the original sentencing date.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Per Curiam; Hardesty, J.; Saitta, J.; Pickering, J.
JURISDICTION	Nevada
DECIDED	June 16, 2016
DOCKET	67830
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from a judgment of conviction entered after a jury verdict for battery with a deadly weapon, assault with a deadly weapon, and being a felon in possession of a firearm.
STANDARD OF REVIEW	Plain-error review for the unpreserved instructional-error claim; statutory interpretation and review of sentencing compliance for the aggregate-sentence issue.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential.
PARTIES	Quinzale Mason v. The State of Nevada

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure
- plain meaning rule

PRACTICE AREAS

- criminal procedure
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether NRS 176.035(1) required the district court to pronounce the aggregate minimum and maximum terms of imprisonment when imposing consecutive sentences for offenses committed on or after July 1, 2014.
2. Whether the district court plainly erred by instructing the jury on transferred intent with respect to the battery count.

HOLDINGS

1. When imposing consecutive sentences for offenses committed on or after July 1, 2014, the district court has a mandatory duty under NRS 176.035(1) to pronounce the aggregate minimum and maximum terms of imprisonment in the judgment of conviction.
2. The transferred-intent instruction did not constitute plain error affecting Mason's substantial rights because it did not relieve the State of its burden to prove willful use of force or violence, the jury was properly instructed on battery and willfulness, and sufficient evidence supported the conviction.

KEY QUOTATIONS

“For offenses committed on or after July 1, 2014, if the court imposes the sentences to run consecutively, the court must pronounce the minimum and maximum aggregate terms of imprisonment.” (2)

“The district court's mandatory duty under NRS 176.035(1) to pronounce the aggregate terms of imprisonment in the judgment of conviction is of significant importance.” (2-3)

FACTUAL BACKGROUND

In August 2014, Mason fired several shots at a man outside an apartment building. The shots missed the man, but a ricochet struck and injured a nearby girl. A jury convicted Mason of battery with a deadly weapon as to the girl, assault with a deadly weapon as to the man, and being a felon in possession of a firearm.

PROCEDURAL HISTORY

Mason was convicted in the Second Judicial District Court of Washoe County. The district court imposed a 3-to-10-year term for battery, a consecutive 2-to-5-year term for assault, and a concurrent 2-to-5-year term for being a felon in possession of a firearm. On appeal, Mason challenged the failure to pronounce the aggregate minimum and maximum terms of the consecutive sentences and challenged the transferred-intent jury instruction. The Nevada Supreme Court affirmed the judgment of conviction but remanded for correction of the judgment.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The district court must correct the judgment of conviction to include the aggregate minimum and maximum terms of the consecutive sentences required by NRS 176.035(1). The corrected judgment must be entered nunc pro tunc to the original sentencing date of March 17, 2015. The judgment of conviction and individual sentences are affirmed.

CASES CITED

- Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003)