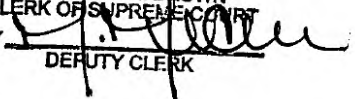


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIN RENEE GOGUEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86656-COA

FILED
APR 22 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Erin Renee Goguen appeals from a judgment of conviction, entered pursuant to a guilty plea, of assault with the use of a deadly weapon. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Goguen argues the district court abused its discretion by sentencing her to a prison term instead of suspending her sentence and placing her on probation, because she had limited criminal history, she was amenable to treatment, and the court improperly relied on a statement from the presentence investigation report (PSI) that Goguen asked the victim if she wanted to die. The granting of probation is discretionary. *See* NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . .”). 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).

Goguen's sentence of 12 to 30 months in prison is within the parameters provided by the relevant statute, see NRS 200.471(2)(b), and Goguen does not allege that the statute is unconstitutional. Prior to imposing Goguen's sentence, the district court listened to the argument of the parties and received evidence regarding Goguen's criminal, mental health, and substance abuse history.

With regard to the disputed statement, Goguen first argues that the district court improperly relied on it because it is hearsay. Hearsay is not prohibited in sentencing hearings. See NRS 47.020(3)(c). Therefore, Goguen is not entitled to relief based on this claim. Goguen also argues the district court improperly relied on the statement because Goguen disputed making it. Goguen does not explicitly argue that the statement amounted to impalpable or highly suspect evidence, and she has not demonstrated that a victim's firsthand recounting to police of a defendant's statement constitutes impalpable or highly suspect evidence. In light of these circumstances, we conclude that the district court did not err by relying on the statement and that it did not abuse its discretion by declining to suspend the sentence and place Goguen on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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