

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL RAY SESSIONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55656

FILED

SEP 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony DUI. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Appellant Daniel Ray Sessions claims that the district court abused its discretion by relying on suspect evidence regarding a prior DUI conviction when imposing his sentence. Sessions' 48 to 120 month sentence is within the parameters provided by the relevant statute, see NRS 484.3792(2) (currently codified as NRS 484C.410(1)), and the record does not demonstrate that the district court relied solely on "impalpable or highly suspect evidence" when imposing the sentence, Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Rather, the record indicates that the district court was concerned about Sessions' large number of prior DUI convictions. We conclude that Sessions failed to demonstrate that the

district court abused its discretion at sentencing, see Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993), and therefore we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

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