

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESS PATRICK LEGARZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61644

FILED

APR 09 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of assault with a deadly weapon. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Jess Patrick Legarza contends that the district court abused its discretion by imposing an excessive sentence based solely on his failure to complete a treatment program prior to the sentencing hearing. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Legarza's prison term of 24-60 months falls within the parameters provided by the relevant statute, see NRS 200.471(2)(b) (category B felony punishable by a prison term of 1-6 years and/or by a fine not to exceed \$5,000), and he fails to demonstrate that the district court relied solely on impalpable or highly suspect evidence, see Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009).

We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk