

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW JOHN WEIST,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62272

FILED

JUN 13 2013

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

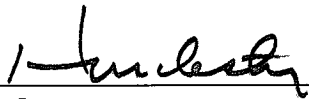
ORDER OF AFFIRMANCE

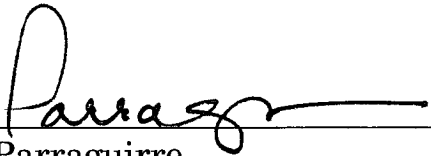
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of involuntary manslaughter. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

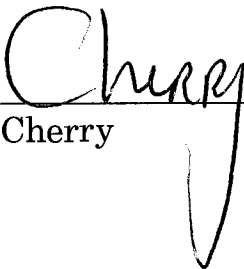
Appellant argues that the district court abused its discretion in sentencing him to 12 to 48 months in prison despite his lack of a significant criminal history. He suggests that the district court based its decision on appellant's withdrawal from a substance abuse treatment program and simply deferred to the prosecutor's sentencing recommendation. In sentencing appellant, the district court noted that he had "been through a lot of [substance abuse] programs and we don't have anything else that would be appropriate." The district court determined that 12 to 48 months in prison was appropriate, concluding that the sentence allowed minimum parole eligibility while observing the seriousness of the offense. We discern no abuse of discretion in this instance. *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987); *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (recognizing that this court will not interfere with sentence imposed "[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"). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

, J.
Hardesty

, J.
Parraguirre

, J.
Cherry

cc: Hon. Elliott Sattler II, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk