

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL TODD ROSENBERG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66223

FILED

JUN 16 2015

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

ORDER OF AFFIRMANCE


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

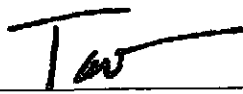
Appellant Daniel Todd Rosenberg claims that the district court abused its discretion by sentencing him to life with the possibility of parole instead of a definite term of 25 years. Rosenberg argues, because the court's stated purpose for imposing the life sentence was to incarcerate him for a long term and both of the sentencing options provide for parole eligibility after 10 years, the lesser sentence would have served the court's stated purpose and should have been imposed.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court "[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).

The district court adjudicated Rosenberg a habitual criminal pursuant to NRS 207.010(1)(b), it imposed a sentence that falls within the parameters of the statute, and the record does not suggest that its sentencing decision was based on impalpable or highly suspect evidence. Accordingly, we conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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