

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ESIDRO SOLIS ANDRADE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69045

FILED

FEB 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Appellant Esidro Andrade claims the district court abused its discretion by rejecting the parties' joint sentencing recommendation and instead imposing a sentence of 72 to 180 months as recommended by the Department of Parole and Probation.


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).

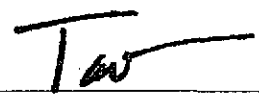
The district court rejected the parties' sentencing recommendation of 24 to 120 months after stating this was Andrade's fourth conviction for trafficking in a controlled substance and finding Andrade was a danger to the community. The district court did not

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promise to impose the sentence recommended by the parties and the court was not required to inquire into the basis for the parties' joint sentencing recommendation before imposing sentence. Andrade's sentence falls within the parameters provided by the relevant statute. See NRS 453.3385(2). And Andrade does not allege the district court relied on impalpable or highly suspect evidence when imposing sentence. We conclude the district court did not abuse its discretion by rejecting the parties' joint sentencing recommendation, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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