

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK ALLEN WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71261

FILED

MAY 17 2017

ELIZABETH S. TOWN
CLERK OF SUPERIOR COURT
BY *Amelia*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Mark Allen Williams appeals from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen vehicle. Second Judicial District Court, Washoe County; Steven Elliott, Senior Judge.

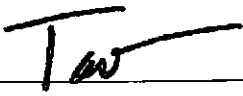
Williams argues the district court abused its discretion in adjudicating him a habitual criminal and sentencing him according to the small habitual criminal enhancement. Williams argues his underlying crime was nonviolent, his prior convictions were remote in time and were nonviolent, and sentencing as a habitual criminal did not meet the purpose of that enhancement or the interests of justice. We review a district court's sentencing decision for abuse of discretion, *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009), and the district court has broad discretion concerning adjudication of a defendant as a habitual criminal, *see* NRS 207.010(2); *O'Neill v. State*, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). We "will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

The record reveals the district court understood its sentencing authority and properly exercised its discretion to adjudicate Williams a

habitual criminal due to his lengthy criminal history. *See Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893-94 (2000); *see also Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) (“NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions.”). Moreover, Williams’ sentence of 6 to 20 years falls within the parameters of the relevant statute, *see* NRS 207.010(1)(a), and he makes no argument his sentence was based upon palpable and highly suspect evidence. To the extent Williams argues the district court should have sentenced him to serve a term of probation, the decision to deny Williams’ request for probation was within the district court’s discretion. *See* NRS 176A.100(1)(c). We conclude the district court did not abuse its discretion and Williams’ argument lacks merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District Court
Hon. Steven Elliott, Senior Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk