

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE STEVEN HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72430

FILED

DEC 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

George Steven Hudson appeals from a judgment of conviction entered pursuant to a guilty plea of burglary. First Judicial District Court, Carson City; James Todd Russell, Judge.

Hudson contends the district court abused its discretion when it failed to consider his untreated substance-abuse issues and his cooperation with the investigation against his codefendants before sentencing him to prison rather than probation. Our review of Hudson's claims is hindered by his failure to provide an adequate record on appeal. *See Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant."). Notably, he has failed to provide this court with transcripts of his sentencing hearing.

The district court has wide discretion in its sentencing decision, including in whether or not it suspends a sentence and places a defendant on probation. *Renard v. State*, 94 Nev. 368, 369, 580 P.2d 470, 471 (1978). 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


17-902639


by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Here, Hudson does not allege the district court relied on information based on impalpable or highly suspect evidence. Further, we note Hudson's sentence falls within the parameters provided in the burglary statute. *See* NRS 205.060(2). For these reasons and because Hudson has not provided this court with the sentencing hearing transcript, we cannot conclude the district court abused its discretion in sentencing Hudson to prison.

To the extent Hudson asks this court to reconsider Nevada Supreme Court precedent limiting interference with the sentence imposed by the district court, we lack the authority to do so. *See, e.g., State v. Nichols*, 600 N.W.2d 484, 487 (Neb. Ct. App. 1999) ("Vertical stare decisis compels inferior courts to follow strictly the decisions rendered by courts of higher rank within the same judicial system."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Waters Law Firm LLC
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk