

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ANTHONY CARMAZZI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73184

**FILED**

APR 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Michael Anthony Carmazzi appeals from a judgment of conviction entered pursuant to a guilty plea of second-degree murder with the use of a deadly weapon. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

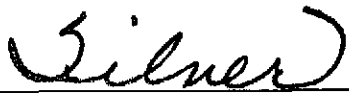
Carmazzi argues the district court abused its discretion by imposing the maximum prison sentence available despite his mitigation evidence. Carmazzi asserts the district court did not appropriately consider information regarding his mental health issues, intellectual issues, difficult childhood, substance abuse issues, and minimal criminal record when it imposed sentence.

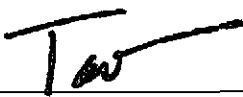
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information 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 record reveals Carmazzi presented the mitigation at issue during the sentencing hearing and the district court listened to the arguments of both parties. The district court discussed information contained in Carmazzi's psychological report, stated it had no doubt Carmazzi faced significant challenges in his life, but found Carmazzi had the ability to understand right from wrong. The district court noted the pictures depicting the victim's wounds and Carmazzi's choice to consume alcohol and methamphetamine, and concluded society needed to be protected from Carmazzi.

The district court then imposed terms totaling life in prison with the possibility of parole in 18 years, which falls within the parameters provided by the relevant statutes. *See* NRS 193.165(1); NRS 200.030(5)(a). Carmazzi does not allege the district court relied upon impalpable or highly suspect evidence. Based on the record before this court, we conclude the district court did not abuse its discretion when it imposed sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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