

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID RONALD GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72577

FILED

DEC 28 2017

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

ORDER OF AFFIRMANCE

David Ronald Green appeals from a judgment of conviction entered pursuant to a guilty plea of attempted sexual assault. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


Green's sole contention on appeal is the district court abused its discretion at sentencing by improperly punishing him for his past crimes. We disagree.

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). "Few limitations are imposed on a judge's right to consider evidence in imposing a sentence, and courts are generally free to consider information extraneous to the pre-sentencing report." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). However, we "will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence." *Id.*

The record reveals Green's sentence falls within the parameters of the relevant statutes. See NRS 193.330(1)(a)(1); NRS 200.366(2)(b). The district court did not rely upon impalpable or highly suspect information. The basis for the district court's sentencing decision was Green's "escalating violent behavior" and his "very significant danger to any community where

he may be released.” Based on this record, we conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District Court
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk