

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ABEL MADRID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73610

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

Abel Madrid appeals from a judgment of conviction entered pursuant to a guilty plea of mid-level trafficking in a controlled substance. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Madrid argues the district court abused its discretion by imposing a lengthy sentence despite mitigation evidence demonstrating Madrid did not have prior felony convictions, was young when he committed this crime, and would benefit from a drug treatment program. Madrid also argues the district court should have been required to articulate the reasons for its sentencing decision.


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).

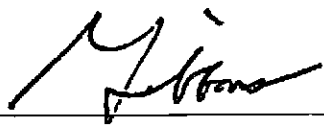
A review of the record reveals the district court heard Madrid's arguments in mitigation at the sentencing hearing. The district court noted

Madrid had been arrested for a different trafficking offense approximately one month before his arrest for this matter and then announced that a prison term of 36 to 90 months was the appropriate sentence in this matter. The sentence imposed was within the parameters of the relevant statute. See NRS 453.3385(1)(b). Madrid does not allege the district court relied upon impalpable or highly suspect evidence and he does not demonstrate the district court should be required to articulate the basis for its sentencing decision. See *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). 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. Michael Villani, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk