

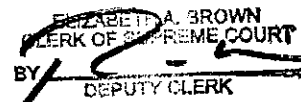
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY BONA ALANDY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73481

FILED

JUN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Bona Alandy appeals from a judgment of conviction entered pursuant to a guilty plea of battery with the use of a deadly weapon causing substantial bodily harm. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

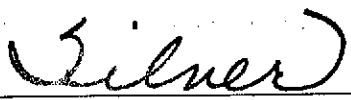
Alandy argues the district court abused its discretion at sentencing because it imposed a minimum term greater than recommended in the presentence investigation report and did not articulate its reason for doing so. We review a district court's sentencing decision for abuse of discretion. *Chavez v. 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).

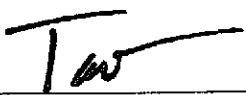
A review of the record reveals the district court heard the arguments of the parties, stated its concern regarding Alandy's willingness to use a significant amount of violence, and announced a prison term of 68 to 180 months was the appropriate sentence in this matter. The sentence

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was within the parameters of the relevant statute. See NRS 200.481(2)(e)(2). Alandy does not allege the district court based its decision upon impalpable or highly suspect evidence. The district court is not required to follow the sentencing recommendation of the Division of Parole and Probation, see *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972), and Alandy does not demonstrate the district court was required to articulate its reasons for imposing a particular sentence. Therefore, we conclude Alandy fails to demonstrate the district court abused its discretion during sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk