

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HUGO RIVERA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76550-COA

FILED

MAY 17 2019

ELIZABETHA BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Hugo Rivera appeals from a judgment of conviction entered pursuant to a guilty plea of grand larceny. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.


Rivera argues the district court abused its discretion by sentencing him to a prison term rather than placing him on probation. Rivera argues he should have been placed on probation because he was a good friend, loving father, hard worker, and had been clean since his arrest. We review a district court's sentencing decision for an 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).


At the sentencing hearing, the district court noted Rivera's criminal history and concluded a term of 24 to 60 months in prison was the appropriate sentence. The sentence falls within the parameters of the relevant statutes, *see* NRS 193.130(2)(c); NRS 205.222(2), and Rivera does

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not allege the district court relied upon impalpable or highly suspect evidence when it imposed sentence. In addition, the district court's decision to decline to place Rivera on probation was within its discretion. *See* NRS 176A.100(1)(c). Considering the record before this court, we conclude Rivera fails to demonstrate the district court abused its discretion when imposing sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk