

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHRYN LEE JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76555-COA

FILED

JUN 13 2019

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

ORDER OF AFFIRMANCE


Kathryn Lee Jones appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of trafficking in a controlled substance. First Judicial District Court, Carson City; James E. Wilson, Judge.


Jones argues the district court abused its discretion by imposing a lengthier sentence than recommended in the presentence investigation report or by the State. 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 heard the arguments of the parties and imposed concurrent terms of 36 to 90 months in prison. The sentence falls within the parameters of the relevant statute, see NRS 453.3385(1)(b), and Jones does not allege the district court relied upon impalpable or highly suspect evidence when it imposed sentence. 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) (“A trial court does not abuse its discretion by imposing a sentence in excess of that suggested by the [Division]”), and the district court is also not required to follow the State’s sentencing recommendation. Considering the record before this court, we conclude Jones 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. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk