

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ZENITH CHARLES WILLIAMS, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75828-COA

**FILED**

JUL 16 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Zenith Charles Williams, III, appeals from a judgment of conviction entered pursuant to an *Alford*<sup>1</sup> plea of attempted statutory sexual seduction by a person 21 years of age or older. First Judicial District Court, Carson City; James Todd Russell, Judge.

Williams claims the district court abused its discretion at sentencing by not granting him probation because he has no prior criminal history and has proven he would be a model probationer.

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). The district court's decision to grant probation is discretionary. NRS 176A.100(1)(c).


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<sup>1</sup>*North Carolina v. Alford*, 400 U.S. 25 (1975).

Here, Williams' sentence of 18 to 60 months in prison falls within the statutory parameters of the relevant statutes. See NRS 193.130(2)(c); NRS 193.330(1)(a)(3); NRS 200.368(1). Williams does not allege the district court relied on impalpable or highly suspect evidence. And the district court found the victim's impact statement was credible and determined probation was not warranted in this case. We conclude the district court did not abuse its discretion by declining to suspend the sentence and place Williams on probation, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk