

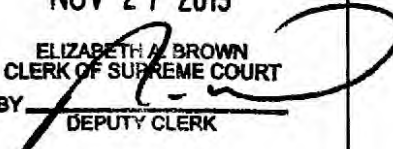
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANCISCO MERINO OJEDA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77917-COA

FILED

NOV 27 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Francisco Merino Ojeda appeals from a judgment of conviction entered pursuant to a guilty plea of first-degree murder. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Ojeda argues the district court abused its discretion when imposing sentence because he had no significant criminal history prior to the commission of the crime and he was law abiding in the ten years between the commission of the crime and his arrest. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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, which included information concerning Ojeda’s past and how he spent the ten years between the commission of the murder and his arrest. The district court stated it took “each and every fact into consideration” and found Ojeda committed a “heinous crime” in a calculated

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manner. The district court concluded a sentence of life without the possibility of parole was the appropriate sentence, which was within the parameters of the relevant statute. See NRS 200.030(4)(b)(1). Ojeda does not allege the district court relied upon impalpable or highly suspect evidence when it imposed sentence. Based on the record before this court, we conclude the district court did not abuse its discretion when imposing sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk