

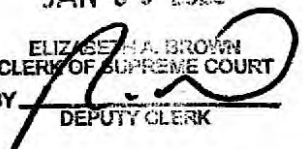
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RANDY LEE BARAO, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78044-COA

FILED

JAN 30 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Randy Lee Barao, Jr., appeals from a judgment of conviction entered pursuant to a no-contest plea for aggravated stalking. First Judicial District Court, Carson City; James E. Wilson, Judge.

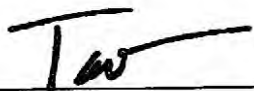
Barao contends the district court abused its discretion by denying Barao's request for probation and imposing a prison sentence. The district court has wide discretion in its sentencing decision. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). And it is within the district court's discretion whether to grant probation. See NRS 176A.100(1)(c). We will not interfere with the sentence imposed by the district court that falls within the parameters of relevant sentencing statutes "[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).

Barao was sentenced to 3 to 10 years in prison. This sentence is within the parameters provided by the relevant statutes. See NRS

200.575(3).¹ And Barao does not allege that the district court relied on impalpable or highly suspect evidence. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Barao to prison. 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

¹At the time Barao committed his crime, aggravated stalking was codified at NRS 200.575(2). See 2017 Nev. Stat., ch. 490, § 4, 3124.