

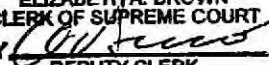
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO OLIVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80182-COA

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Antonio Oliver appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted sex trafficking of a child under 18 years of age. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


Oliver contends the district court abused its discretion during sentencing by failing to fully consider mitigating evidence. 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 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).

Oliver argues the district court judge had closed her mind to the presentation of all the evidence, because she said she did not believe Oliver’s statement about not knowing the victim’s age. The record indicates the district court judge remained open to the evidence by listening to the remainder of Oliver’s statement and also discussing the presentence

investigation report with him. The sentence of 4 to 20 years in prison is within the parameters provided by the relevant statutes. See NRS 193.330(1)(a)(1); NRS 201.300(2)(b)(2). And Oliver does not allege that the district court relied on impalpable or highly suspect evidence. In light of this record, and having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Oliver. Accordingly, we

ORDER the judgment of the conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carolyn Ellsworth, District Judge
Las Vegas Defense Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk