

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFONSO PINUELAS-DURAN, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80913-COA

**FILED**

**MAR 30 2021**

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

*ORDER OF AFFIRMANCE*

Alfonso Pinuelas-Duran, Jr., appeals from a judgment of conviction, entered pursuant to a guilty plea, of driving under the influence (DUI). Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


Pinuelas-Duran contends the district court abused its discretion by sentencing him to a prison term exceeding what was recommended by the State and the Division of Parole and Probation. 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 a 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).

The sentence imposed of 72 to 180 months in prison is within the parameters provided by the relevant statute. *See* NRS 484C.410(1)(e). The district court was 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].”), or the recommendation made by the State. And Pinuelas-Duran does not allege that the district court relied on impalpable or highly suspect evidence. The district court noted the sentencing factors it was considering in imposing the sentence and focused on community safety, particularly noting Pinuelas-Duran’s multiple prior DUI convictions. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Pinuelas-Duran. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Chief Judge, Second Judicial District Court  
Second Judicial District Court, Dept. 10  
Tanner Law & Strategy Group, Ltd.  
Tracie Lindeman  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk