

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL WILLIAM ELIZONDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83059-COA

FILED

SEP 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael William Elizondo appeals from a judgment of conviction, pursuant to a guilty plea, of attempted grand larceny. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

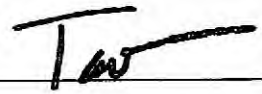
Elizondo claims the district court abused its discretion by sentencing him to a category E felony instead of a gross misdemeanor. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with a sentence 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 district court imposed a sentence of 12 to 32 months in prison, suspended that sentence, and placed Elizondo on probation for a term of 18 months. The sentence imposed was within the parameters provided by the relevant statutes. *See* NRS 176A.500(1)(b); NRS 193.130(2)(e); NRS 193.330(1)(a)(5); NRS 205.222(2)(a). Moreover, Elizondo does not allege that the district court relied on impalpable or

highly suspect evidence. Having considered the record before this court, we conclude the district court did not abuse its discretion when imposing Elizondo's sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Alvin R. Kacin, District Judge
Ben Gaumond Law Firm, PLLC
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk