

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYDELL LEE JAMES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82884-COA

**FILED**

OCT 07 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Raydell Lee James appeals from a judgment of conviction, entered pursuant to a plea of nolo contendere, of battery resulting in substantial bodily harm. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

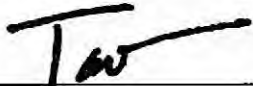
James claims the district court abused its discretion by sentencing him to the maximum sentence without first considering mitigating information. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere 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).

James’ sentence of 24 to 60 months in prison is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 200.481(2)(b), and James does not allege that the district court relied on impalpable or highly suspect evidence. Moreover, the record reflects that

the district court heard argument from James' counsel regarding the circumstances of the offense and James' substance use issues, James' allocution describing his substance use and mental health issues, and the court was informed that James had been accepted into a substance abuse treatment program before imposing his sentence. For these reasons, and having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing James. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Kathleen M. Drakulich, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk