

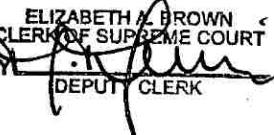
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IAN SIMONEAU-BAYLISS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84401-COA

FILED

NOV 09 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ian Simoneau-Bayliss appeals from a judgment of conviction entered pursuant to a guilty plea of attempted lewdness committed by a person over 18 with a child 14 or 15 years of age. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

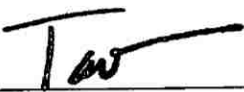
Simoneau-Bayliss argues the district court abused its discretion by sentencing him to the maximum term of imprisonment without considering evidence in mitigation. Specifically, Simoneau-Bayliss claims the district court failed to properly consider and weigh his lack of adult criminal history.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court 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); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Simoneau-Bayliss' sentence of 24 to 60 months in prison is within the parameters provided by the relevant statutes. See NRS 193.130(2)(c); NRS 193.153(1)(a)(1) (previously NRS 193.330); NRS 201.230(3). And Simoneau-Bayliss does not allege that the district court relied on impalpable or highly suspect evidence. The record demonstrates that the district court heard the parties' sentencing arguments, including Simoneau-Bayliss' counsel's argument noting Simoneau-Bayliss' lack of adult criminal history. The district court also considered letters of mitigation, victim impact statements, the risk assessment, and the sentencing memorandum and presentence investigation report—both of which reflected Simoneau-Bayliss' lack of adult criminal history. Given this record, we conclude Simoneau-Bayliss has failed to demonstrate that the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tammy Riggs, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk