

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEBA KEPa ANGEL URDANETA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85121-COA

**FILED**

DEC 15 2022

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

*ORDER OF AFFIRMANCE*


Joseba Kepa Angel Urdaneta appeals from a judgment of conviction, entered pursuant to a guilty plea, of low-level possession of a schedule I or II controlled substance and conspiracy to violate the Uniform Controlled Substances Act. Fourth Judicial District Court, Elko County; Mason E. Simons, Judge.

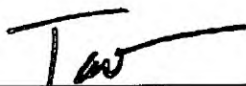
Urdaneta argues the district court abused its discretion by imposing consecutive prison terms instead of probation. The granting of probation is discretionary, and it is also within the district court's discretion to impose consecutive sentences. *See* NRS 176A.100(1)(c); NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *see also Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). 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).

Urdaneta's consecutive sentences of 24 to 60 months in prison are within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 453.336(2)(c); NRS 453.401(1)(a), and Urdaneta does not allege that the district court relied on impalpable or highly suspect evidence. Therefore, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Urdaneta on probation and by declining to impose concurrent sentences. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Mason E. Simons, District Judge  
Ben Gaumond Law Firm, PLLC  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk