

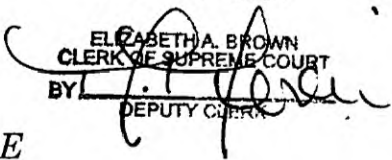
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONATHAN NICHOLAS STREMSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85717-COA

FILED

MAY 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jonathan Nicholas Stremski appeals from a judgment of conviction entered pursuant to a guilty plea of ownership or possession of a firearm by a prohibited person and aiming a firearm at a person. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Stremski argues the district court abused its discretion by imposing a prison sentence rather than a term of 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). 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).

At the sentencing hearing, the district court heard the arguments of the parties. Stremski explained to the district court that he experienced a severe mental health problem when he committed the offenses and he had been undergoing mental health treatment while

awaiting sentencing. Stremski urged the district court to place him on probation so that he could continue his mental health treatment. The district court commended Stremski for his participation in mental health treatment but ultimately concluded that the circumstances concerning the commission of the crimes warranted a prison sentence.

The district court sentenced Stremski to serve terms totaling 19 to 48 months in prison. The sentence falls within the parameters provided by the relevant statutes, *see* NRS 193.140; NRS 202.290; NRS 202.360(1), and Stremski does not allege the district court relied on impalpable or highly suspect evidence. Moreover, the decision to deny Stremski's request for probation was within the district court's discretion. *See* NRS 176A.100(1)(c). Based on the record before this court, we conclude the district court did not abuse its discretion when it imposed Stremski's sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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