

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN RAY MONDRAGON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85168-COA

FILED

MAY 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Ray Mondragon appeals from a judgment of conviction, entered pursuant to a no contest plea, of robbery with the use of a deadly weapon. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

Mondragon argues the district court abused its discretion in sentencing him because it erroneously believed several prior charges had resulted in convictions when the charges had been dismissed. Mondragon contends the district court erroneously considered these "other convictions" in making its sentencing decision.

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).

23-16334

Mondragon's sentence of 72 to 180 months in prison for robbery and 28 to 70 months in prison for the deadly weapon enhancement is within the parameters provided by the relevant statutes. *See* NRS 193.165(1)-(2); NRS 200.380(2). In addition, although the district court erroneously referred to charges listed in the presentence investigation report that were dismissed prior to adjudication as "other convictions" when discussing Mondragon's criminal history, the district court explicitly stated it was not considering these "other convictions" in making its sentencing decision. Therefore, Mondragon fails to demonstrate the district court relied on impalpable or highly suspect evidence. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Mondragon. Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kriston N. Hill, District Judge
Hillewaert Law Firm
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk

¹The Honorable Michael Gibbons, Chief Judge, did not participate in the decision in this matter.