

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NOLAN JEROME KERFELD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85348-COA

**FILED**

AUG 24 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Nolan Jerome Kerfeld appeals from a judgment of conviction, entered pursuant to a guilty plea, of assault with the use of a deadly weapon. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

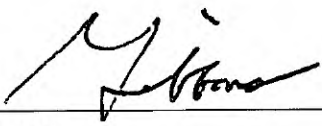
Kerfeld argues that the district court abused its discretion at sentencing because (1) it determined it was going to send him to prison before it had heard any argument from counsel, and (2) it failed to acknowledge certain mitigating evidence, such as classes he took while in custody, his acceptance into a transitional living program, and the fact that he had not had a prior opportunity for treatment.

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,

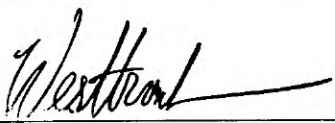
1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Kerfeld's sentence of 26 to 72 months in prison, which was to be served consecutive to his prison sentence in another criminal case, is within the parameters provided by the relevant statutes. See NRS 176.035(1); NRS 200.471(2)(b). And Kerfeld does not allege that the district court relied on impalpable or highly suspect evidence. Moreover, the record does not indicate that the district court determined Kerfeld's sentence prior to the argument of counsel or that it failed to consider any mitigating evidence. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Kerfeld. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. David A. Hardy, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk