

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS RONALD SWALLOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86372-COA

FILED

DEC 28 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marcus Ronald Swallow appeals from a judgment of conviction, entered pursuant to a no contest plea, of resisting a public officer with the use of a dangerous weapon other than a firearm, possession of a stolen motor vehicle, and willful injury to or destruction of property having a value of \$250.00 or more. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

Swallow argues the district court abused its discretion at sentencing by imposing consecutive sentences and by not ordering his release into federal custody. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987); *see also* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 129, 352 P.3d 655, 659 (2015) (stating NRS 176.035(1) “was intended to give district courts discretion in determining whether . . . sentences should be imposed consecutively or concurrently”). 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).


The sentences imposed of 19 to 48 months in prison for resisting a public officer, a consecutive 24 to 60 months in prison for possession of a stolen motor vehicle, and a concurrent 364 days in jail for willful injury to or destruction of property having a value of \$250.00 or more are within the parameters provided by the relevant statutes. See NRS 193.130 (categories and punishment of felonies); NRS 193.155 (penalty for public offense proportionate to value of property affected); NRS 199.280(2) (resisting a public officer); NRS 205.273(3) (possession of a stolen motor vehicle); NRS 206.310(1) (injury to other property); *Pitmon*, 131 Nev. at 128-29, 352 P.3d at 659. And Swallow does not allege that the district court relied on impalpable or highly suspect evidence in sentencing. Further, Swallow fails to demonstrate the district court abused its discretion by not ordering his release into federal custody.

Having considered the sentences and the crimes, we conclude the district court did not abuse its discretion by imposing Swallow’s sentences. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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