

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELIJAH RENE SMALL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88934-COA

FILED

MAY 21 2025

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

ORDER OF AFFIRMANCE

Elijah Rene Small appeals from a judgment of conviction, entered pursuant to a guilty plea, of buy, possess, receive, or withhold a stolen firearm and pandering. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

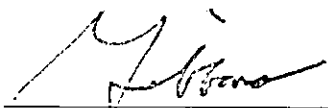
Small argues the district court abused its discretion by sentencing him to prison rather than placing him on probation. Small argues he is young and has spent the majority of his adult life in prison. He contends he should have been given the opportunity for rehabilitation.


In this case, the granting of probation was discretionary. *See* NRS 176A.100(1)(c); *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).

Small's prison sentence of four to ten years for the buy, possess, receive, or withhold a stolen firearm count and the concurrent prison sentence of one to three years for the pandering count are within the parameters provided by the relevant statutes, *see* NRS 193.130(1)(c); NRS 201.300(1); NRS 205.275(2)(d), and Small does not allege the district court relied on impalpable or highly suspect evidence. The district court considered Small's mitigating information but determined a sentence of imprisonment was appropriate. Specifically, the district court was concerned with Small's decision to carry a loaded firearm. Further, Small was on parole at the time he committed his crime, and the district court noted Small had numerous behavioral infractions while in prison. We conclude the district court did not abuse its discretion by declining to suspend the sentence and place Small on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk