

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL AUNDREY YOUNG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48136

FILED

AUG 0 2 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Alvarado  
DEPUTY CLERK

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant Michael Aundrey Young to serve a prison term of 24 to 120 months for robbery and an equal and consecutive prison term for the use of a deadly weapon.

Young contends that the district court abused its discretion at sentencing by imposing the deadly weapon enhancement. Young argues that it is clear from the Division of Parole and Probation's presentence investigation report that he was not identified with a weapon in any of the robberies that he participated in and that he had no criminal history of ever using a weapon.

We have consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> We will refrain from interfering with the sentence imposed "[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."<sup>2</sup>

Here, Young relieved the State of its burden to prove each element of the offense beyond a reasonable doubt when he pleaded guilty to the crime of robbery with the use of a deadly weapon.<sup>3</sup> Young does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. And our review of the record reveals that the district court imposed a sentence that fell within the parameters provided by the relevant statutes.<sup>4</sup>

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<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

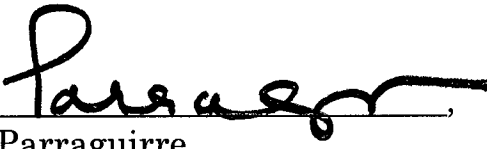
<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

<sup>3</sup>See generally Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).


<sup>4</sup>See NRS 193.165(1) (providing that "any person who uses a firearm or other deadly weapon . . . in the commission of a crime shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime" (emphasis added)); NRS 200.380(2) (prescribing a prison term of 2 to 15 years for the crime of robbery).

Having considered Young's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Donald M. Mosley, District Judge  
Mayfield, Turco & Gruber  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>5</sup>Because Young is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, we shall take no action and shall not consider the proper person documents that Young has submitted to this court in this matter.