

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JOSEPH MCCAFFREY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54873

**FILED**

**JUL 15 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of promotion of sexual performance of a minor. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant's sole contention is that the district court abused its discretion by failing to articulate the basis for its decision not to suspend the sentence and place appellant on probation. Because the district court has broad discretion in its sentencing decision, Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), 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," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

We conclude that appellant's contention is without merit. Appellant did not object below or ask the district court to explain its decision; therefore, he is not entitled to relief absent a demonstration of plain error. See NRS 178.602; Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003). Appellant has not demonstrated plain error. First, appellant has not identified any controlling authority that requires the

district court to further explain its sentencing decision in this case. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Second, the district court imposed a lawful sentence pursuant to NRS 200.720 and NRS 200.750(1), and appellant has not demonstrated that the district court considered impalpable or highly suspect evidence in imposing that sentence. Having determined that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Steven R. Kosach, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk