

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD THOMAS QUICK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55960

FILED

SEP 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: W. HOOP
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of felony DUI. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Richard Thomas Quick argues that the district court abused its discretion at sentencing by imposing a sentence that is too harsh considering the circumstances of the crime—he was driving a moped rather than an automobile—and his character. This claim lacks merit. We have consistently afforded the district court wide discretion in its sentencing decision, see, e.g., Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and therefore have refrained from interfering with the district court's sentencing determination “[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). Quick does not allege that the district court based its sentencing decision on impalpable or highly suspect evidence. And the sentence imposed (45-113 months in prison) is within the parameters provided by the applicable statute, NRS 484.3792 (currently codified as NRS

484C.410), which provides for a sentence of 2-15 years. We are not convinced that the district court abused its wide discretion, particularly considering Quick's history of felony DUI convictions. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Steven P. Elliott, District Judge
Washoe District Court Clerk
Attorney General/Carson City
Washoe County Alternate Public Defender
Washoe County District Attorney