IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH DALE JONES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56148

FILED

SEP 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary and attempted robbery. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Kenneth Dale Jones claims that the district court abused its discretion at sentencing by basing its decision on speculation regarding additional charges that could have been filed. He argues that he was prejudiced in that the court imposed minimum and maximum terms on the attempted robbery charge that exceeded those recommended by the Department of Parole and Probation. This claim lacks merit.

"The district court is vested with wide discretion regarding sentencing," Renard v. State, 94 Nev. 368, 369, 580 P.2d 470, 471 (1978), and we therefore will not interfere with the district court's sentencing determinations so long as the sentence imposed is within statutory limits and "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). Here, the district court considered, among other things, the charges that the State agreed to dismiss or did not file as part of the plea agreement—Jones faced multiple charges based on three

separate incidents. The plea agreement warned Jones that the court could consider information about the dismissed or unfiled charges at sentencing. The presentence report provided to the court summarized information about all three incidents obtained from police reports, the district attorney's files, and an interview with Jones. The information about the other charges was relevant to the sentencing determination, see id. at 94 & n.2, 545 P.2d at 1161 & n.2 (indicating that other criminal conduct is relevant to sentencing even if defendant was never charged with it), and Jones has not demonstrated that the information provided to the district court regarding the other incidents and charges was objectionable, in fact he did not object below. Because the district court imposed a sentence within the statutory limits, see NRS 205.060(2) (burglary); NRS 200.380(2) (robbery); NRS 193.330(1)(a)(2) (attempt to commit category B felony that has maximum term of imprisonment of more than 10 years), and Jones has not demonstrated that the district court considered information supported by impalpable or highly suspect evidence, we will not disturb the sentence imposed. We therefore

ORDER the judgment of conviction AFFIRMED.

_____, J.
Hardesty

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. James E. Wilson, District Judge
Carson City Clerk
Kay Ellen Armstrong
Attorney General/Carson City
Carson City District Attorney