

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LEE HUGHES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58794

FILED

DEC 07 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

Appellant Michael Hughes contends the district court abused its discretion by unconstitutionally increasing his sentence based on his status as an alcoholic. See Robinson v. California, 370 U.S. 660 (1962) (prohibiting punishment for mere status of offender). In sentencing Hughes, the district court noted that Hughes had an exceptionally high blood alcohol level; was unable to control his body or his vehicle when he was arrested for the charged offense; and had consumed alcohol during the time the district court granted him furlough before reporting to prison, in defiance of the district court's order not to consume alcohol during the furlough period. Based on those observations, the district court sentenced Hughes to 60 to 150 months in prison, well within the bounds set by NRS 484C.410. We conclude that the district court did not rely on improper matters, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (stating that this court 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”), or otherwise abuse its discretion in sentencing Hughes, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (affording the district court wide discretion in its sentencing decision).

Having considered Hughes’ contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk