

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WALLACE A/K/A JOSEPH T.
WALLACE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60628

FILED

JAN 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted possession of stolen property. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

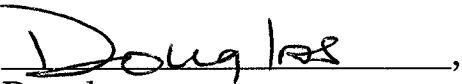
Appellant argues that the district court relied on improper evidence in sentencing him—in particular, the State's comments suggesting appellant's involvement in other crimes despite having no prior convictions and information about the offense represented by the State but not contained in any police report. The district court is afforded wide discretion in its sentencing decision, Martinez v. State, 114 Nev. 735, 737-38, 961 P.2d 143, 145 (1998), and this court will not interfere in that decision "[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). The record indicates that the district court's sentencing decision centered primarily on its conclusion, after interacting with appellant at the sentencing hearing, that appellant had been untruthful to the police about the crime and his gang affiliation and the presentence investigation report suggesting that appellant's

involvement in the crime was more significant than represented at the sentencing hearing.

Based on the record as whole, we conclude that appellant has failed to show that the district court's sentence was based on improper evidence or that the district court otherwise abused its discretion. Accordingly, we,

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk