

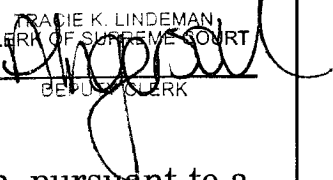
IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON MICHAEL BLAKELY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63220

FILED

NOV 14 2013

TRADIE 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 trafficking in a controlled substance and felon in possession of a firearm. Second Judicial District Court, Washoe County; Elliott A. Sattler, II, Judge.

Appellant Jason Michael Blakely contends that the district court “abused its discretion and violated [his] constitutional right to equal protection by sentencing [him] disproportionately to the sentences given similarly situated defendants and failing to follow the terms of the guilty plea agreement without justification for doing so.” We disagree.<sup>1</sup>


We have consistently afforded the district court wide discretion in imposing a sentence. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Although the parties recommended a lower sentence, the language of the guilty plea agreement did not bind the court

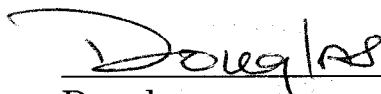
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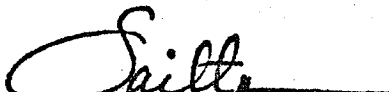
<sup>1</sup>Blakely fails to offer any argument or authority in support of his contention that his sentence violated his right to equal protection and therefore we decline to consider it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

to impose the sentence recommended by the parties, nor did it condition Blakely's plea on the district court's imposition of the recommended sentence. In fact, it specifically stated that the court was not obligated to accept the parties' sentencing recommendation, and the district court noted that it did not think the recommendation was appropriate given Blakely's criminal history and that the instant offenses were committed while awaiting sentencing for an unrelated offense. Blakely's concurrent sentences of 36-120 months imprisonment on count I and 19-48 months imprisonment on count II fall within the parameters provided by the relevant statutes, NRS 193.130(2)(d); NRS 202.360; NRS 453.3385(2), and there is no indication that the district court relied on impalpable or highly suspect evidence, *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Elliott A. Sattler, II, District Judge  
Ian E. Silverberg  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk