

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMMANUEL LOVEBLESSING  
GARCIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63417

**FILED**

NOV 14 2013

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. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

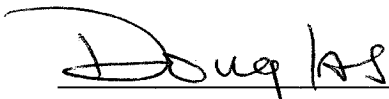
Appellant Emmanuel Loveblessing Garcia contends that the district court abused its discretion by sentencing him to 48-120 months of incarceration when other options were available. We disagree.


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). Here, the district court heard statements from Garcia and his father and read a letter from Garcia's sister. Although the district court described Garcia as "sincere," it stated it was "100 percent convinced" that he would commit additional crimes if not incarcerated and noted that it had considered the interests of Garcia and the community in making its sentencing decision. Garcia's sentence falls within the parameters provided by the relevant statute, *see* NRS 205.060(2), and he does not allege that the statute is unconstitutional or that the district court relied on impalpable or highly suspect evidence, *see*

*Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk