IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL CHRISTOPHER WRIGHT, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 63993

FILED

DEC 1 6 2013



This is an appeal from a judgment of conviction, pursuant to a guilty plea, of failure to register as a sex offender. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant Michael Christopher Wright contends that the district court abused its discretion when imposing the sentence and improperly penalized him for his tattoos. 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), and will refrain

(O) 1947A

¹Although appellant's counsel, Matt Stermitz, cites to an appendix in the fast track statement, Mr. Stermitz did not provide this court with a copy of the appendix. *See* NRAP 3C(e)(2)(B) (requiring appellant to file a copy of the appendix with the fast track statement). We are able to reach the merits of this claim, however, because the State provided this court with a copy of the sentencing transcript.

from interfering with the sentence imposed by the district court "[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 does not support Wright's contention that the district court penalized him for his tattoos. After hearing argument from counsel and allocution from Wright, the judge stated that Wright was "likeable," "affable," "seem[ed] intelligent," and Wright needed help, but noted that he was struggling with Wright's extensive criminal history, which included two recent arrests. The judge stated that Wright "paint[s] a pretty bleak picture here with this record" and there had "to be consequences for [Wright's] actions." The judge imposed a prison term of 12 to 34 months, to be served consecutively to any other sentences Wright was serving. The sentence imposed in this case is within the parameters provided by the relevant statutes, see NRS 179D.550(1) (failing to register as a sex offender is punishable as a category D felony); NRS 193.130(2)(d) (category D felony punishable by imprisonment for a minimum term of 1 year and a maximum term of 4 years), and, given his extensive criminal history, we are not convinced that the district court abused its discretion

in imposing the sentence to run consecutive to his other sentences, see NRS 176.035(2). Accordingly, we

ORDER the judgment of conviction AFFIRMED.²

Pickering, C.J.

Hardestv

Hon. Michael Montero, District Judge cc: Humboldt County Public Defender Attorney General/Carson City **Humboldt County District Attorney** Humboldt County Clerk

²Although the "Verification" included with the fast track statement pursuant to NRAP 3C(h)(3) indicates that the brief complies with the formatting requirements in NRAP 32(a)(4), see NRAP 3C(h)(1) (requiring fast track filings to comply with the formatting provisions in NRAP 32(a)(4)-(6)), review of the brief indicates that the text is not double-spaced and the brief does not have margins of at least one inch on all four sides as required. We caution Mr. Stermitz that future failure to comply with this court's rules when briefing appeals may result in the imposition of sanctions, including monetary sanctions. See NRAP 3C(n).