

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL CHRISTOPHER WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63993

FILED

DEC 16 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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.¹ 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

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

