

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT WILLIAM SIDENER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64092

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

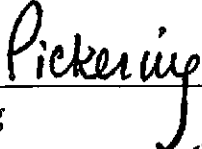
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of manufacture or possession by a prisoner of an item or items adapted, designed, or commonly used to escape. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

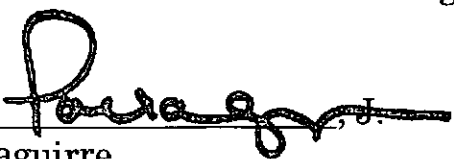
Appellant Scott William Sidener alleges that the district court abused its discretion by imposing a term of imprisonment consecutive to the sentence imposed in district court case no. CR13-6223 and by denying his request for probation because he is 21 years old and has only had two prior felony convictions. We disagree.

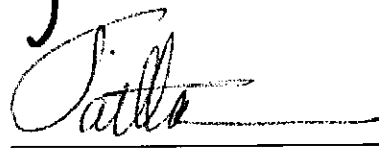
"The sentencing judge has wide discretion in imposing a sentence." *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or 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). Sidener committed the instant offense while in custody for a previous felony offense, his prison term of 15 to 38 months is within the parameters provided by the relevant statute, see

NRS 212.093(2)(a), and he does not allege that the district court relied on impalpable or highly suspect evidence. Further, the district court was prohibited from granting probation. NRS 212.093(3)(a); NRS 176A.100(1)(a), (c) (probation may be granted except where "expressly forbidden"). We conclude that the district court did not abuse its discretion by running Sidener's sentence consecutive to another sentence. See NRS 176.035(1) (decision to impose consecutive sentence is discretionary); *Warden v. Peters*, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

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