

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK LEONARD SHARP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65347

FILED

OCT 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

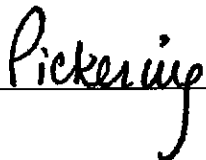
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance (level II). Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

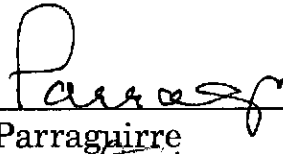
Appellant's sole argument on appeal is that the district court abused its discretion by sentencing him to a lengthy term of imprisonment (62 to 156 months) because he is "an affable 58 year old man who had served 536 days in the Humboldt County Jail prior to his sentencing in this case" and deserves a lesser sentence.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 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


¹The judgment of conviction indicates that appellant received 542 days' credit for time served.

P.2d 1159, 1161 (1976). Here, the district court considered appellant's mitigation evidence, including his brother's testimony and letters appellant submitted to the court. The district court was also aware that appellant had incurred a prior felony conviction for trafficking in a controlled substance (level II) 17 years before sentencing in this case—the same crime to which he pleaded guilty in this case—and several misdemeanor convictions. The district court expressly based its sentencing decision “upon the evidence that has been presented and the evidence presented by [appellant's brother].” Because appellant has not demonstrated that the district court abused its discretion in sentencing him, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Michael Montero, District Judge
Hy Forgeron
Theodore C. Herrera
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk