

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID FRED MORALES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66273

FILED

NOV 12 2014

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of invasion of the home. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant David Fred Morales, Jr., contends that the district court abused its discretion at sentencing by immediately imposing a prison term instead of giving him an opportunity to demonstrate suitability for probation when Morales had no significant criminal history, this was his first felony conviction, and he had been accepted into the Salvation Army program.

The district court is afforded wide discretion in its sentencing decision, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and absent reliance on impalpable or highly suspect evidence, we will not interfere with the district court's imposition of a sentence within statutory guidelines, *see Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). It is within the district court's discretion to impose probation. *See* NRS 176A.100(1)(c). Morales concedes that the district court did not rely on impalpable or highly suspect evidence, and he does not argue that his sentence of 16 to 60 months falls outside the statutory parameters, *see*

NRS 205.067(2).¹ We conclude that Morales fails to demonstrate that the district court abused its discretion, and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

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

¹To the extent that Morales argues that the district court's failure to articulate reasons for the sentence demonstrates an abuse of discretion, we decline to impose such a requirement upon the district court. See *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998).