

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN LITTLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67562

FILED

AUG 05 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of attempted burglary. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

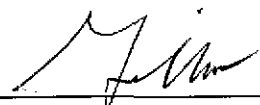
On appeal, appellant Steven Little claims the district court violated his due process rights and abused its discretion when the district court did not allow counsel to speak in mitigation after the district court declined to follow the sentencing recommendation made by the parties.¹

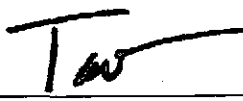
Little fails to demonstrate his due process rights were violated or the district court abused its discretion. Because counsel was given the opportunity to speak at the sentencing hearing and chose to submit it based on the negotiations, there was no violation of Little's due process rights. Further, the district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court because "the record does not demonstrate prejudice resulting from

¹The Honorable Robert Estes, Senior Judge, presided over the sentencing hearing and imposed sentence.

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). Therefore, having reviewed the claims raised by Little and concluded they are without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kerry Louise Earley, District Judge
The Law Office of David R. Fischer
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk