

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAURICE GOSPEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68331

FILED

NOV 19 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of assault with the use of a deadly weapon upon a police officer. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Appellant Maurice Gospel claims the district court abused its discretion at sentencing because the district judge, during sentencing, discussed a radio broadcast he had heard regarding law enforcement. Gospel claims the district court gave him the maximum sentence of 28 to 72 months so that law enforcement could feel supported.

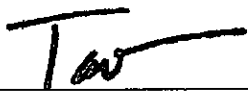
The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court “[s]o long as the record does not demonstrate prejudice resulting from consideration of information 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).

Gospel fails to demonstrate the district court abused its discretion. While the district court did discuss the radio broadcast just

before pronouncing sentence, the district court also heard argument regarding mitigating factors, the facts of the crime, and Gospel's prior criminal history. We note that Gospel's actions in this crime were very serious. He failed to stop on the signal of an officer and attempted to run the officer over. The officer then shot at Gospel four times, but Gospel drove away and fled to California. The district court's concern regarding law enforcement safety and the need to punish those that endanger the lives of law enforcement officers, was a real concern in this case. Therefore, the district court's sentence was not "founded on facts supported only by impalpable or highly suspect evidence." *Id.* Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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