

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONEL DENAIR PANKEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69005

FILED

MAR 16 2016

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 level-two trafficking in a controlled substance. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


Appellant Ronel Pankey claims the district court abused its discretion by sentencing him to a prison term of 36 to 180 months despite finding he had rendered substantial assistance pursuant to NRS 453.3405(2) and was eligible for a “downward departure” in his prison sentence.

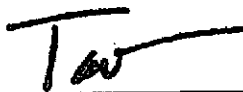
NRS 453.3405(2) provides the district court *may* reduce or suspend the sentence of any person convicted of trafficking in a controlled substance “if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense.” We review the district court’s decision to grant a sentence reduction pursuant to NRS 453.3405(2) for abuse of discretion. *Parrish v. State*, 116 Nev. 982, 991, 12 P.3d 953, 958 (2000).

The record reveals the district court found Pankey rendered substantial assistance and was eligible for a reduced sentence. The court was not inclined to impose a minimal sentence because Pankey had seven

prior felony convictions for drug-related offenses; however, it felt Pankey was entitled to some consideration beyond what the State was recommending. The court's sentencing decision included a minimum prison term of 36 months, which was one month more than the sentence Pankey received for his last trafficking conviction and 12 months less than the sentence recommended by the State. We conclude the district court did not abuse its discretion in this regard, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elliott A. Sattler, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk