

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON WESLEY METUNE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69334

FILED

APR 20 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 unlawful possession of a short barreled rifle or short barreled shotgun. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant Jason Metune claims the district court abused its discretion by sentencing him to prison instead of placing him on probation because he was contrite, accepted responsibility for his offense, and pledged to make things right.


The granting of probation is discretionary, *see* NRS 176A.100(1)(c); *see also* *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence”), and we will refrain from interfering with the district court’s sentencing decision “[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).


Metune’s prison sentence of 12 to 34 months falls within the parameters of the relevant statutes. *See* NRS 193.130(1)(d); NRS

202.275(1). Metune has not alleged the district court relied on impalpable or highly suspect evidence. And considering Metune's extensive criminal history, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place him on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk