

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREW RYAN VICKERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71040

**FILED**

DEC 28 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Andrew Ryan Vickers appeals from a judgment of conviction entered pursuant to a guilty plea of aggravated stalking. Second Judicial District Court, Washoe County; Robert E. Estes, Senior Judge.

Vickers claims the district court abused its discretion at sentencing by improperly amplifying the State's descriptive word "terrorize" to characterize him as a "terrorist" without any supporting evidence and by imposing a greater sentence than the sentence sought by the State and the victim.

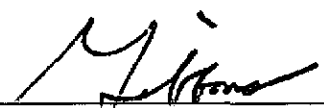
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Vickers' sentence of 24 to 84 months in prison falls within the parameters of the relevant statute, see NRS 200.575(2), and Vickers has not demonstrated the district court's sentencing decision was based on palpable or highly suspect evidence, *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

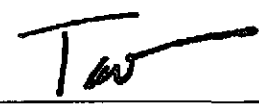
The record clearly demonstrates the district court understood Vickers was charged with aggravated stalking and not terrorism. The

district court observed that Vickers' act of aggravating stalking was especially egregious because of the fear he placed in the victim by attacking her residence, her property, and her very soul. And the district court stated it was not going to impose the maximum sentence because the prosecutor and defense counsel had discussed an alternative sentence, but it was going to impose a prison sentence for the primary purpose of protecting others.

Based on this record, we conclude the district court did not abuse its discretion by characterizing Vickers as a "terrorist" or by imposing a sentence greater than that sought by the State and the victim. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Chief Judge, Second Judicial District Court  
Hon. Robert E. Estes, Senior Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk