

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CODY R. WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71258

FILED

MAR 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Cody R. Williams appeals from a judgment of conviction entered pursuant to a guilty plea of attempted possession of a controlled substance. Second Judicial District Court, Washoe County; Lidia S. Stiglich, Judge.

Williams claims the district court abused its discretion at sentencing by ignoring his current circumstances and focusing instead on his past probation failures. He argues that his promise of success on probation had the support of continued counseling, education, employment, and family. And he asserts the district court focused solely of his past, as was evident when it stated, "Your history doesn't warrant probation. And I suspect it won't ever again warrant probation. So if you're going to rehabilitate, you need to do it, and do it now."

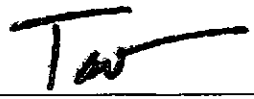
The granting of probation is discretionary, NRS 176A.100(1)(c), and we will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence," *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Williams' sentence of 19 to 48 months in prison falls within the parameters of the relevant statutes. See NRS 193.130(2)(e); NRS 193.330(1)(a)(5); NRS 453.336(2)(b). The record does not suggest the district court relied on impalpable or highly suspect evidence. And the record demonstrates the district court was aware of Williams' significant criminal record.

We conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Second Judicial District Court, Dept. Eight
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk