


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EMIL ANTHONY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71221

**FILED**

MAR 22 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

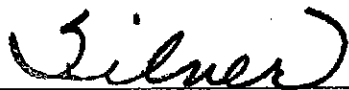
Appellant Emil Anthony appeals from a judgment of conviction, pursuant to a guilty plea, of attempted battery causing substantial bodily harm. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


Anthony argues the district court abused its discretion at the sentencing hearing because it based its sentencing decision upon multiple factors, but did not identify how it weighed those factors. 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). 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).


During the sentencing hearing, the district court explained it considers a defendant's characteristics, the nature of the crime, the impact of the crime on the victim and the community, and the value of punishment, isolation from the community, rehabilitation, and deterrence

when it imposes sentence. The district court then stated it considered those factors, including Anthony's lengthy criminal history, and sentenced Anthony to serve a term of 19 to 48 months in prison, which was within the parameters of the relevant statutes. See NRS 193.130(2)(d); NRS 193.330(1)(a)(4); NRS 200.481(2)(b). Anthony does not allege the district court relied upon palpable or highly suspect evidence when imposing sentence and he fails to demonstrate a district court must identify how it weighed the factors it considered when it imposed sentence. We conclude Anthony fails to demonstrate the district court abused its discretion when it sentenced him and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Patrick Flanagan, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk