

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANGELO MARCUS NOBLES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70553

FILED

JUN 09 2017

ORDER OF AFFIRMANCE

ESTABENA BROWN  
CLERK OF SUPERIOR COURT  
BY *[Signature]*  
DEPUTY CLERK

Angelo Marcus Nobles appeals from a judgment of conviction entered pursuant to a guilty plea of burglary and possession of a stolen firearm.<sup>1</sup> Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Nobles asserts that the district court relied on impalpable and highly suspect evidence, and showed bias by demeaning and belittling him prior to sentencing. “A district court is vested with wide discretion regarding sentencing,” and “[f]ew limitations are imposed on a judge’s right to consider evidence in imposing a sentence . . . .” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). However, “this court will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence.” *Id.*

When Nobles first appeared to be sentenced, he asked for “mercy” and placement in a drug treatment program rather than prison. The district court then did exactly what Nobles requested—placed him in a drug treatment program rather than sending him to prison. However, Nobles quickly absconded from the program and fled to California where

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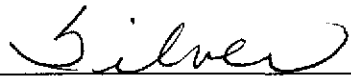
<sup>1</sup>We do not recount the facts except as necessary to our disposition.

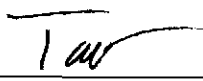
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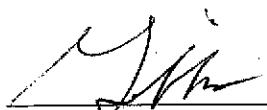
he was convicted of a new felony (resisting a police officer) as well as a number of additional misdemeanors and served 11 months in custody before being returned to Nevada.

In this appeal, Nobles complains that the judge belittled him, displayed bias, and relied upon impalpable and highly suspect evidence in sentencing him. But the statements that Nobles cites occurred when he first appeared for sentencing and was referred to the very drug treatment program that he requested. He was only finally sentenced to prison 17 months later, after he failed the drug treatment program, fled the state, and committed new crimes. Under these circumstances, we cannot say that the statements in question had any bearing on Nobles' ultimate sentence or that the district court abused its discretion in imposing the sentence that it did.<sup>2</sup> Accordingly we,

ORDER the judgment of conviction AFFIRMED.

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

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

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

<sup>2</sup>We have also considered Nobles' argument that the district court prejudged Nobles by indicating it was considering a 25-year sentence and that it considered highly suspect evidence by chastising Nobles for a video posted online, but find them unpersuasive as the court appropriately considered the record as a whole before sentencing and, notably, the court did not sentence Nobles to a 25-year sentence. Further, based on the abundance of Nevada authority, we decline to adopt Nobles' interpretation of federal authority and the dissenting opinion in *Tanksley v. State*, 113 Nev. 844, 850, 944 P.2d 240, 244 (1997).

cc: Department 1, Second Judicial District Court  
Hon. Patrick Flanagan, Chief Judge, Second Judicial District Court  
Law Office of Thomas L. Qualls, Ltd.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk