

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ASHTON ELDORN SPOHN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72032

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

Ashton Eldorn Spohn appeals from a judgment of conviction, entered pursuant to a guilty plea, of five counts of possession of a stolen motor vehicle, four counts of burglary, and one count of grand larceny of a motor vehicle. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Spohn claims the district court abused its discretion because it sentenced Spohn to the sentence recommended in the presentence investigation report (PSI) and, thereby, relinquished its sentencing decision to the Division of Parole and Probation.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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).


Spohn fails to demonstrate the district court relied on information or accusations founded on facts supported only by impalpable

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or highly suspect evidence because he fails to point to any errors in the PSI. Further, the district court held a lengthy sentencing hearing where it considered testimony and argument from counsel, the State, one of the victims, two family members of Spohn, and Spohn. After hearing these testimonies and arguments, the district court found Spohn had been on diversion for similar types of cases when he committed these crimes, Spohn's conduct was egregious, and the victim's testimony was powerful. The district court then sentenced Spohn to the recommended sentence found in the PSI. Based on the foregoing, we conclude the district court did not relinquish its sentencing responsibilities to the Division of Parole and Probation and did not abuse its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Scott N. Freeman, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk