

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ESTEBAN RODRIGUEZ, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74073

FILED

APR 11 2018

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

ORDER OF AFFIRMANCE


Esteban Rodriguez, Jr. appeals from a judgment of conviction entered pursuant to a guilty plea of receiving or possessing stolen credit cards. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Rodriguez claims the district court abused its discretion at sentencing by preventing him “from offering mitigation in the form of his allocution” and relying upon suspect evidence and improper assumptions. To this end, he asserts the State incorrectly argued he “was the main actor in the taking in this case” and improperly suggested his criminal behavior was escalating.


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). “Few limitations are imposed on a judge’s right to consider evidence in imposing a sentence, and courts are generally free to consider information extraneous to the pre-sentencing report.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). However, we “will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence.” *Id.*

The record reveals Rodriguez' 19- to 48-month prison sentence falls within the parameters of the relevant statutes. See NRS 193.130(2)(d); NRS 205.690(1). The district court considered Rodriguez' allocution. The district court did not rely upon impalpable or highly suspect evidence. And the basis for the district court's sentencing decision was Rodriguez' repetitive criminal behavior. Given this 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: Hon. Scott N. Freeman, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk