

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RUSSELL LAMONT GATEWOOD, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72970

FILED

APR 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

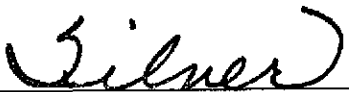
Russell Lamont Gatewood, Jr. appeals from a judgment of conviction, entered pursuant to a guilty plea, of conspiracy to violate the uniform controlled substances act, eluding a police officer while endangering persons or property, and possession of a stolen vehicle. First Judicial District Court, Carson City; James E. Wilson, Judge.


Gatewood argues the district court abused its discretion by declining to place Gatewood on probation and by sentencing him to serve consecutive sentences. Specifically, he argues he only has one prior felony conviction from 2002 and only minor misdemeanor convictions.


The granting of probation is discretionary. See NRS 176A.100(1)(c). See generally *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . .”). This court 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).

The consecutive sentences of 14 to 60 months, 28 to 72 months, and 14 to 60 months imposed in this case are within the parameters provided by the relevant statutes, *see* NRS 484B.550(3); NRS 453.401(1)(a); NRS 205.273(3); NRS 193.130(2)(c), and Gatewood does not allege that the district court relied on impalpable or highly suspect evidence. Considering the facts of the crime, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Gatewood on probation or by ordering Gatewood to serve consecutive sentences. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk