

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY RANDELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72218

FILED

FEB 13 2018

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

ORDER OF AFFIRMANCE

Timothy Randell appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted murder with the use of a deadly weapon, sexual assault with the use of a deadly weapon causing substantial bodily harm, sexual assault with the use of a deadly weapon, first-degree kidnapping with the use of a deadly weapon, and robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


Randell claims the district court abused its discretion at sentencing when it only considered punishment and not other factors when sentencing him to the maximum possible sentence including life in prison without the possibility of parole.¹ 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

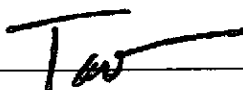
¹Randell was sentenced to serve a total of three consecutive terms of life without the possibility of parole plus other various consecutive sentences.


by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Randell does not argue the district court relied on information or accusations supported only by impalpable or highly suspect evidence. Further, the district court considered many factors when sentencing Randell. The district court specifically stated it considered his childhood, his mental health history, previous attempts at punishment, his youth, his criminal history, the victims, the crimes, and the goals of punishment. After considering these factors, the district court concluded it would sentence Randell to the maximum sentence. Given these facts, we conclude Randell failed to demonstrate the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District Court
Second Judicial District Court, Dept. 7
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk