

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HEIDI LYNN VARGAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72396

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Heidi Lynn Vargas appeals from a judgment of conviction entered pursuant to a guilty plea of low-level trafficking in a controlled substance and being under the influence of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

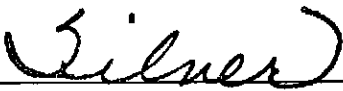
Vargas argues the district court abused its discretion at the sentencing hearing when it imposed concurrent prison terms. Vargas asserts the district court should have imposed identical terms for each offense. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 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).


The district court sentenced Vargas to serve a prison term of 28 to 72 months for the trafficking offense and a prison term of 19 to 48 months for the under-the-influence offense, then directed the sentences to be served concurrently. The sentences imposed in this case are within the parameters

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provided by the relevant statutes, *see* NRS 176.035(1); NRS 453.3385(1)(a); NRS 453.411(3)(a), and Vargas does not allege the district court relied on impalpable or highly suspect evidence. Based on the record before this court, we conclude the district court did not abuse its discretion when it imposed sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Montero, District Judge
Miller Law, Inc.
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk