

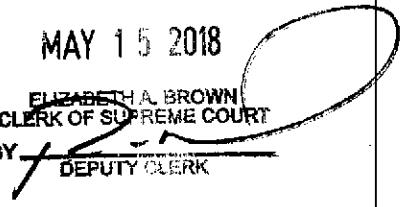
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SIEGFRIED MUELLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73036

FILED

MAY 15 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Siegfried Mueller appeals from a judgment of conviction entered pursuant to a guilty plea of burglary with possession of a deadly weapon and violation of a temporary court order restricting stalking or harassment. Tenth Judicial District Court, Churchill County; Thomas L. Stockard, Judge.

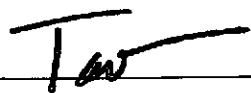
Mueller claims the district court abused its discretion at sentencing by imposing the maximum possible penalty even though the victim admitted to exaggerating her injuries, the State inappropriately suggested he was not remorseful, and the Division of Parole and Probation recommended a lesser sentence.


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.*

Mueller's 72- to 180-month prison sentence and 227-day jail sentence fall within the parameters of the relevant statutes. See NRS 193.140; NRS 200.591(5)(a); NRS 205.060(4). The record does not support Mueller's claims that the victim admitted to exaggerating her injuries and the State's sentencing argument was inappropriate, nor does it demonstrate the district court relied on impalpable or highly suspect evidence in reaching its sentencing decision. We note the district court was not required to follow the sentencing recommendations of the Division of Parole and Probation, see *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972), and we conclude the district court did not abuse its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Thomas L. Stockard, District Judge
The Law Office of Jacob N. Sommer
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk