

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GUSTAVO ISAAC DELEON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73803

**FILED**

JUN 13 2018

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

*ORDER OF AFFIRMANCE*

Gustavo Isaac Deleon appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of trafficking in a schedule I controlled substance – 14 grams to 28 grams. First Judicial District Court, Carson City; James Todd Russell, Judge.


Deleon claims the district court abused its discretion by sentencing him to two consecutive prison terms of 30 to 120 months because he is a drug addict, was abused as a child, does not have an extreme criminal history, is employable, and has two small children.


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). Deleon's sentence falls within the parameters of the relevant statute. See NRS 453.3385(1)(b). The district court had discretion to run the sentences consecutively. See NRS 176.035(1). And the record does not suggest the district court's sentencing decision was based on impalpable or highly suspect evidence. See *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).


The record further demonstrates the district court considered the parties' sentencing recommendations, Deleon's allocution, the Division

of Parole and Probation's presentence investigation report, and Deleon's June 30, 2017, written statement. Based on 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. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk