

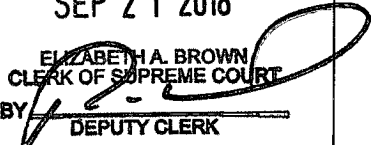
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANKLIN LEE TREVINO, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74142

FILED

SEP 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Franklin Lee Trevino, Sr., appeals from a judgment of conviction, pursuant to a guilty plea, for stop required upon signal of peace officer, endangering other persons or their property. First Judicial District Court, Carson City; James E. Wilson, Judge.


Trevino contends the district court abused its discretion by sentencing him to a prison term instead of to probation following an in-patient treatment program. The granting of probation is discretionary. *See* NRS 176A.100(1)(c); *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).

Trevino’s sentence of 24 to 72 months in prison is within the parameters provided by the relevant statute, *see* NRS 484B.550(3), and he does not allege the district court relied on impalpable or highly suspect evidence. We therefore conclude the district court did not abuse its

discretion by declining to suspend the sentence and place Trevino on probation. 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