

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TA'SHOMBI WILLIAMS, A/K/A
TASHOMBI WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73986

FILED

JUL 27 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY /
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ta'Shombi Williams appeals from a judgment of conviction, entered pursuant to a guilty plea, of assault with the use of a deadly weapon. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Williams argues the district court abused its discretion and relied on palpable and highly suspect evidence when it chose to sentence him to serve a prison term of 12 to 48 months instead of placing him on probation. Specifically, he claims the district court relied on a statement in the presentence investigation report that stated he had returned to the scene of the crime with mace and a chain. Williams argues this statement was not supported by the evidence presented at the preliminary hearing or any other evidence provided in discovery.

The granting of probation is discretionary. See NRS 176A.100(1)(c). See generally *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

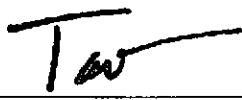
18-901657


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

The sentence imposed in this case is within the parameters provided by the relevant statutes, *see* NRS 200.471(2)(b), and Williams fails to demonstrate the district court relied only on palpable or highly suspect evidence. The district court did not rely solely on evidence Williams returned to the scene of the crime with mace and a chain. It also considered Williams' violent criminal past, the violent nature of the crime, and the fact he appeared to have encouraged his minor child to fight another minor child. Therefore, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Williams on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk