

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADRIAN AGUIRRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75153-COA

FILED

FEB 15 2019

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

ORDER OF AFFIRMANCE

Adrian Aguirre appeals from a judgment of conviction, pursuant to a guilty plea, of three counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Aguirre first contends the district court violated his right to an individualized sentence. Defendants must “be sentenced individually, taking into account the individual, as well as the charged crime.” *Martinez v. State*, 114 Nev. 735, 737, 961 P.2d 143, 145 (1998). We have consistently afforded the district court wide discretion in its sentencing decision. *See, e.g., Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering 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).

Aguirre fails to demonstrate the district court did not render an individualized sentence. At sentencing, the State engaged in argument and made recommendations separately for each codefendant, the district court

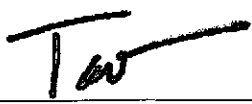
received a presentence investigation report that was unique to Aguirre, Aguirre's counsel argued as to why Aguirre should be treated differently from his codefendants, and the district court noted that it did "want to look at the specifics" of the perpetrators. Further, the sentence imposed is within the parameters provided by the relevant statutes. See NRS 193.165(1); NRS 200.380(2). Aguirre does not allege that those statutes are unconstitutional or that the district court relied on impalpable or highly suspect evidence. We thus conclude the district court did not abuse its discretion when imposing sentence.

Aguirre also challenges the grand jury proceedings. The entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea. See *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975); see also *Tollett v. Henderson*, 411 U.S. 258, 267 (1973). And in his written plea agreement, Aguirre waived his right to appeal unless the issue was specifically reserved in writing. There is no indication in the record that Aguirre preserved the right to challenge the grand jury proceedings. See NRS 174.035(3). Therefore, we decline to consider this claim.

For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Nevada Appeal Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk