

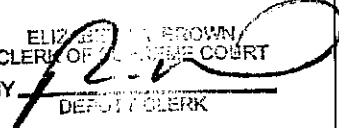
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DALTON JAMES MARTIN BLACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76562-COA

FILED

MAR 7 2019

ELIZABETH BROWN  
CLERK OF APPEALS COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Dalton James Martin Black appeals from a judgment of conviction, pursuant to a guilty plea, for attempted carrying of a concealed weapon. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.


Black first contends the district court abused its discretion at sentencing. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[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).

The sentence of 364 days in jail is within the parameters provided by the relevant statutes. *See* NRS 193.330(1)(a)(4); NRS 202.350(1)(d)(1). And Black does not allege the district court relied on impalpable or highly suspect evidence. Further, Black’s contention that the district court committed itself to a specific sentence at Black’s guilty plea hearing is repelled by the record. Having considered the sentence and the


crime, we conclude the district court did not abuse its discretion in sentencing Black.

Black also contends the prosecution abused its discretion by exercising its right to argue for any appropriate sentence if Black violated a term of the guilty plea memorandum. Black does not dispute that he was arrested on a new misdemeanor offense, and that an arrest constituted a violation of the plea agreement. We therefore conclude the prosecution did not abuse its discretion by exercising its right to argue at sentencing.

Having concluded Black's claims are without merit, we  
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Kathleen M. Drakulich, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk