

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MITRA PARISA NARRAMORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75591-COA

FILED

MAY 15 2019

FILED BY
CLERK OF THE COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Mitra Parisa Narramore appeals from a judgment of conviction, entered pursuant to a guilty plea, of embezzlement of property valued at \$3500 or more. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Narramore argues the district court abused its discretion at sentencing by using uncharged restitution amounts as an aggravating factor in sentencing her and by considering the fact she did not pay any money toward restitution prior to 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 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).


The district court sentenced Narramore to 36 to 90 months in prison, which was within the parameters of the relevant statutes. *See* NRS 205.300(1); NRS 205.222(3); NRS 193.130(2)(b). While it may have been


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inappropriate for the district court to classify the uncharged restitution amount as an "aggravator," see *Denson v. State*, 112 Nev. 489, 494, 915 P.2d 284, 287 (1996) ("While a district court has wide discretion to consider prior uncharged crimes during sentencing, the district court must refrain from punishing a defendant for prior uncharged crimes."), the district court did not abuse its discretion by considering it when choosing an appropriate sentence. *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998) ("[a] sentencing judge [may] consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant"); see also NRS 176.015(6). From statements made by the district court, it does not appear the district court punished Narramore for the uncharged restitution. Likewise, the district court did not abuse its discretion by considering Narramore's failure to pay any restitution before the sentencing hearing. Narramore failed to demonstrate the district court based its sentencing decision on information or accusations founded on facts supported only by impalpable or highly suspect evidence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk