

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL PATRICK ARCHULETA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76259

FILED

JUN 26 2019

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of voluntary manslaughter. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Appellant argues the district court abused its discretion in sentencing him to 8-20 years as a habitual criminal under NRS 207.010(1)(a). *See LaChance v. State*, 130 Nev. 263, 276-77, 321 P.3d 919, 929 (2014) (reviewing a district court's sentencing decision for an abuse of discretion). In this, appellant does not argue that the district court abused its discretion in sentencing him as a habitual criminal, but only that the district court should have given more credence to certain mitigating factors and imposed a lesser sentence within NRS 207.010(1)(a)'s range.

We are not persuaded that the district court abused its discretion in focusing on the perceived danger that appellant would pose to society if he were to receive a lenient sentence. The district court noted one of the mitigating factors that appellant identified, but also expressed concern regarding appellant's lengthy criminal history and inability to change his criminal behavior following periods of incarceration. Appellant does not contend that the information the district court considered was "founded on facts supported only by impalpable or highly suspect evidence,"

