

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PATIENCE FRAZIER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78823-COA

FILED

FEB 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Patience Frazier appeals from a judgment of conviction entered pursuant to a guilty plea of manslaughter, a category B felony, as defined by NRS 200.220. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

First, Frazier appears to claim that the crime of taking drugs to terminate a pregnancy is not a homicide and that she preserved this claim for review by raising it in her pretrial petition for a writ of habeas corpus. However, she pleaded guilty to manslaughter, she did not reserve her claim for appeal as required by NRS 174.035(3), and the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the guilty plea, *see Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). Therefore, we decline to review this claim of error.


Second, Frazier claims the district court abused its discretion by imposing a sentence "in excess of that recommended by the State immediately following the Department of Parole and Probation's assertion that the exhumed infant was a child rather than a fetus [which] indicates the court improperly believed a violation of NRS 200.220 is a homicide rather than a feticide."


20-05736

We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). 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's decision to grant probation is discretionary. NRS 176A.100(1)(c).

Here, Frazier's sentence of 30 to 96 months falls within the parameters of the relevant statute. *See* NRS 200.220. The record does not suggest that the district court's sentencing decision was based on impalpable or highly suspect evidence. And the record demonstrates that the district court considered Frazier's arguments, in which she claimed that a violation of NRS 200.220 was not a homicide, before imposing its sentence. Accordingly, we conclude the district court did not abuse its discretion at sentencing.

Having concluded that Frazier is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk