

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OSCAR CORONA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79113-COA

FILED

MAY 27 2020

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

ORDER OF AFFIRMANCE

Oscar Corona appeals from a judgment of conviction entered pursuant to a no contest plea of coercion. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Corona argues the district court abused its discretion by imposing a prison sentence rather than placing him on probation. Corona contends the district court improperly sentenced him based upon its view that he should not have been permitted to enter a no contest plea to a non-sexual offense given the facts of the case.

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).

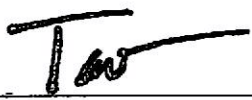
At the sentencing hearing, the district court stated that it had reviewed the facts of the offense and questioned the parties concerning the agreement to permit Corona to plead no contest to a non-sexual offense.

Corona's counsel explained the nature of the negotiations to the district court and the district court responded "[y]ou did one a heck of a job for your client."

The district court next listened to the arguments of the parties and concluded that probation was not appropriate in this matter. The district court's decision to deny Corona's request for probation was within its discretion. See NRS 176A.100(1)(c). The district court imposed a prison term of 28 to 72 months, which was within the parameters of the relevant statute. See NRS 207.190(2)(a). Based upon our review of the record, we conclude Corona failed to demonstrate the district court based its sentencing decision upon impalpable or highly suspect evidence. See *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) (stating the sentencing court "is privileged to consider facts and circumstances that would not be admissible at trial."). Therefore, Corona is not entitled to relief based upon this claim. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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