

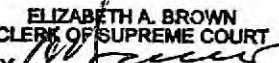
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO JOSE RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80566-COA

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Antonio Jose Rodriguez appeals from a judgment of conviction entered pursuant to a guilty plea of (1) eluding a police officer in a manner posing danger to persons and property and (2) unlawful taking of a motor vehicle. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Rodriguez claims the district court abused its discretion at sentencing because he is mentally ill and should have been placed on probation or committed to a mental health facility instead of being incarcerated in a prison.

We review a district court's sentencing decision for an 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, Rodriguez's 12- to 48-month sentence for eluding a police officer and his 364-day sentence for unlawful taking of a motor vehicle fall within the parameters of the relevant statutes. See NRS 193.140; NRS 205.2715(1); NRS 484B.550(3)(b). Rodriguez has not alleged the district court relied on impalpable or highly suspect evidence. And the record demonstrates the district court considered Rodriguez's mental health issues, his long history of stealing cars, and the fact that he was on probation when he committed the instant offenses. Given this record, we conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Nancy L. Porter, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk