

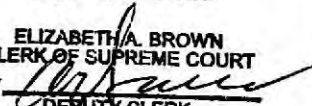
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAXAMILLION ANTHONY  
GONZALEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80574-COA

**FILED**

OCT 23 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Maxamillion Anthony Gonzalez appeals from a judgment of conviction entered pursuant to a guilty plea of robbery with the use of a deadly weapon and battery with the use of a deadly weapon causing substantial bodily harm. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Gonzalez claims the district court abused its discretion by imposing a sentencing enhancement that was greater than necessary to accomplish the goals of sentencing. He asserts this court should consider adopting the limiting principle in 18 U.S.C. § 3553(a), which states “district courts [should] impose a sentence sufficient but not greater than necessary to accomplish the goals of sentencing.” And he argues his case must be remanded to the district court so that it may reconsider the sentencing enhancement under this limiting principle.

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

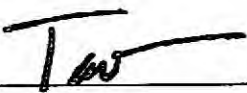
20-38899

by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And we decline Gonzalez’s invitation to adopt 18 U.S.C § 3553(a) as a limiting principle for sentencing decisions in Nevada state courts.

Here, Gonzalez’s 60- to 180-month sentence for robbery, his 60- to 180-month sentence enhancement for the use of a deadly weapon, and his 48- to 180-month sentence for battery with the use of a deadly weapon causing substantial bodily harm fall within the parameters of the relevant statutes. See NRS 193.165(1); NRS 200.380(2); NRS 200.481(2)(e)(2). Gonzalez has not alleged the district court relied on impalpable or highly suspect evidence. And the record plainly demonstrates the district court based its sentencing decision on the need to protect the community from Gonzalez’s criminal actions. Accordingly, 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. Lynne K. Simons, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk