

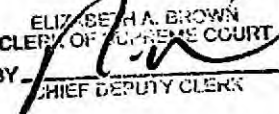
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANGELO GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81066-COA

FILED

NOV 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Angelo Garcia appeals from a judgment of conviction entered pursuant to a guilty plea of attempted battery causing substantial bodily harm. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

Garcia argues the district court abused its discretion by choosing to sentence him to a category D felony instead of a gross misdemeanor. Garcia contends the district court failed to adequately consider the immigration consequences he faced from a felony conviction.

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 a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[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 record reveals that the district court heard the arguments of the parties and the information Garcia presented concerning the immigration consequences he would face from a felony conviction. The

district court concluded a felony with a prison term of 12 to 34 months was the appropriate sentence. The sentence imposed was within the parameters provided by the relevant statutes. See NRS 193.330(1)(a)(4); NRS 200.481(2)(b). Moreover, Garcia does not allege that the district court relied on impalpable or highly suspect evidence. Having considered the record before this court, we conclude the district court did not abuse its discretion when imposing sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. John Schlegelmilch, District Judge
Mouritsen Law
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk