

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARTURO MANUEL VALDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83961-COA

FILED

MAY 05 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Arturo Manuel Valdez appeals from a judgment of conviction entered pursuant to a guilty plea of possession of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Valdez argues the district court abused its discretion by sentencing him to serve a prison term rather than assigning him to a program of treatment for his issues related to substance abuse. Valdez contends the district court failed to consider his individual circumstances when it imposed sentence.

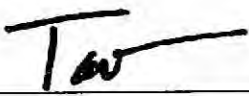
The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[s]o long as 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 district court listened to the arguments of the parties. It noted that Valdez had two prior felony convictions for drug-related offenses

and Valdez had not performed well when he was on probation or parole. The district court decided to impose a prison term but informed Valdez that it hoped he would continue the work he is doing to improve himself. The district court imposed a term of 19 to 48 months in prison, which was within the parameters provided by the relevant statutes. *See* NRS 193.130(2)(e); NRS 453.336(2)(a). Valdez does not allege that the district court relied on impalpable or highly suspect evidence. Additionally, the district court's decision to deny Valdez's request for assignment to a program of treatment was within its discretion. *See* NRS 176A.230. Considering the record before this court, we conclude Valdez fails to demonstrate the district court abused its discretion when imposing his sentence. Accordingly, 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