

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADRIAN LEE JONES, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84223-COA

FILED

JUN 17 2022

ELIZABETH A. BROWN
CLERK OF APPEALS COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

Adrian Lee Jones, II, appeals from a judgment of conviction, entered pursuant to a guilty plea, of possession of a controlled substance for sale. First Judicial District Court, Carson City; James Todd Russell, Judge.


Jones argues the district court abused its discretion in sentencing him to a prison term rather than allowing him to participate in a treatment program or drug court. In particular, Jones argues the district court relied on impalpable and highly suspect evidence when it stated Jones probably had previous opportunities for treatment even though no such opportunities were listed in the presentence investigation report.

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 sentence imposed of 12 to 36 months in prison is within the parameters provided by the relevant statutes. *See* NRS 193.130(2)(d); NRS 453.337(2)(a). Moreover, the record reveals the district court did not rely solely on its belief that Jones probably had previous opportunities for treatment. Rather, the district court stated it was imposing Jones' sentence due to his extensive criminal history, which consisted of 45 misdemeanors, 1 gross misdemeanor, and 7 felonies. Accordingly, we conclude the district court did not abuse its discretion in imposing Jones' sentence, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk