

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL RAY LOPEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83394-COA

FILED

JUN 17 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Michael Ray Lopez appeals from a judgment of conviction, entered pursuant to a guilty plea, of robbery and assault with the use of a deadly weapon. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Lopez argues the district court abused its discretion by sentencing him to a prison term rather than suspending his sentence and placing him on probation. Lopez contends that, at his initial sentencing hearing, the district court implied he would be granted probation if he participated in, and fully complied with, a drug treatment program prior to sentencing.

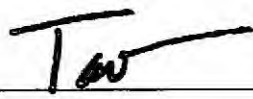
The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[s]o long as 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's decision to grant probation is discretionary. NRS 176A.100(1)(c).

Lopez's sentences of 48 to 120 months in prison (robbery) and 24 to 60 months in prison (assault with the use of a deadly weapon) fall within the statutory parameters of the relevant statutes. See NRS 200.380(2); NRS 200.471(2)(b). In addition, the district court did not promise Lopez a suspended sentence in return for his participation in a treatment program and properly considered Lopez's criminal history and the violent nature of his crimes in determining his sentence. Lopez does not allege that the district court relied on impalpable or highly suspect evidence or that his sentence exceeded the parameters of the relevant sentencing statutes. Accordingly, we conclude the district court did not abuse its discretion by declining to suspend Lopez's sentence and place him on probation, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Kathleen A. Sigurdson, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk