

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN CHRISTOPHER GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84087-COA

FILED

AUG 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Christopher Green appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted robbery. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Green argues the district court abused its discretion by sentencing him to a prison term greater than necessary. Specifically, Green argues the State improperly focused on his criminal history and the victim's physical injuries during the sentencing hearing and the district court arbitrarily imposed a minimum sentence greater than the State's recommendation.

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); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Green's sentence of 42 to 120 months in prison is within the parameters provided by the relevant statutes. *See* NRS 193.153(1)(a)(2) (previously NRS 193.330); NRS 200.380(2). And Green does not allege that the district court relied on impalpable or highly suspect evidence. Further, in entering his guilty plea, Green acknowledged that "the matter of sentencing is to be determined solely by the Court," and thus, the district court's sentencing authority was not limited by the State's recommendation. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion by imposing Green's sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Barry L. Breslow, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹To the extent Green contends that the State's sentencing argument was improper, Green did not raise this issue before the district court, and Green does not argue on appeal that it was plain error. Accordingly, we decline to consider this claim on appeal in the first instance. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018).