

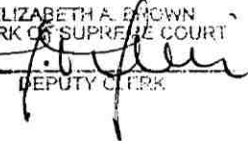
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DWIGHT MAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84599-COA

FILED

OCT 21 2022

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

ORDER OF AFFIRMANCE

Dwight May appeals from a judgment of conviction entered pursuant to a guilty plea of coercion with physical force or immediate threat of physical force constituting domestic violence. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

May argues that the district court abused its discretion at sentencing by accepting the State's argument that any leniency had already been afforded to May through the plea bargain. 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 the sentence imposed by the district court "[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).

During the sentencing hearing, May noted that he had taken responsibility for his actions and had attended domestic violence classes while in presentence confinement. May also urged the district court to place him on probation and assign him to the Salvation Army work program. In response, the State argued that May had received all the leniency that was

appropriate through the plea-bargaining process and urged the district court to sentence May to a prison term due to the violent nature of his actions. The district court acknowledged the arguments of the parties and stated it had taken their arguments into consideration when weighing May's sentence. The district court decided to impose a prison sentence of 28 to 72 months.

The sentence imposed was within the parameters provided by the relevant statute. *See* NRS 207.190(2)(a). May does not allege that the district court relied on impalpable or highly suspect evidence. Additionally, the district court properly exercised its discretion in denying May's request for probation. *See* NRS 176A.100(1)(c). Considering the record before this court, we conclude May 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. Barry L. Breslow, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk