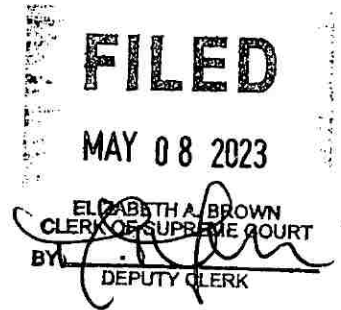


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY ERIC DORTICOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85438-COA



ORDER OF AFFIRMANCE

Anthony Eric Dorticos appeals from a judgment of conviction entered pursuant to a guilty plea of battery constituting domestic violence, third offense. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Dorticos argues that the district court abused its discretion at sentencing because it did not follow the joint recommendation of the parties and improperly imposed a lengthy sentence based on its belief that he had avoided serious consequences for his prior criminal offenses. 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).

During the sentencing hearing, the district court listened to the arguments of the parties. The parties jointly recommended a sentence of 12 to 30 months in prison. The district court subsequently noted that Dorticos had a criminal history that included many offenses involving domestic violence. The district court also noted that this matter constituted Dorticos' first felony offense and that it felt as if Dorticos had "slipped the hangman's noose" a number of times. The district court also noted that in this matter, Dorticos struck the victim multiple times with a closed fist and caused her to sustain injuries. The district court announced its intention to sentence Dorticos to serve a prison term of 36 to 90 months, and Dorticos' counsel informed the district court that term was not within the range of the relevant sentencing statute. The district court acknowledged that it had misread the sentence and it ultimately imposed a sentence of 28 to 72 months in prison.

The sentence imposed is within the parameters provided by the relevant statute. See NRS 200.485(1)(c). Moreover, Dorticos does not demonstrate that the district court erred by declining to follow the recommendation of the parties. Cf. *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). In addition, Dorticos does not demonstrate that the district court erred by considering his prior criminal history and the sentences imposed for his previous convictions. See NRS 176.015(6) ("This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing."); see also *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) ("Possession of the fullest information possible concerning a defendant's life and characteristics is

essential to the sentencing judge's task of determining the type and extent of punishment.""). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Dorticos. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk