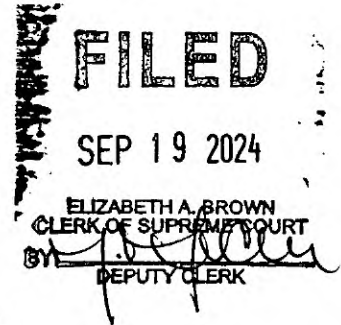


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD RAY PEARROW,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87619-COA



ORDER OF AFFIRMANCE


Donald Ray Pearrow appeals from a judgment of conviction, entered pursuant to a guilty plea, of aggravated stalking and gross misdemeanor destroying or injuring real or personal property of another. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Pearrow argues the district court abused its discretion at sentencing by imposing a 6-15 year prison sentence. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1378, 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).


The sentence imposed is within the parameters provided by the relevant statutes. *See* NRS 193.155(2); NRS 200.575(3); NRS 206.310(1). However, Pearrow contends the district court relied on impalpable or highly suspect evidence because the court stated at a previous hearing that, had

Pearrow gone to trial, he would have been sentenced as a habitual criminal, but Pearrow was not eligible for a habitual criminal adjudication. While the district court made this statement following Pearrow's entry of plea, the State subsequently informed the court at the sentencing hearing that Pearrow was not eligible for habitual criminal adjudication. Further, the record does not reflect that the district court relied on a mistaken assumption regarding Pearrow's eligibility for a habitual criminal adjudication during sentencing. Rather, the district court acknowledged mitigating factors, including Pearrow's acceptance of responsibility and his mental health struggles, and weighed these against Pearrow's extensive criminal history and the "extreme" violence and danger of Pearrow's conduct. Therefore, Pearrow fails to demonstrate that the district court relied on impalpable or highly suspect evidence in imposing his sentence. Having considered the sentence and the crime, we conclude that the district court did not abuse its discretion in sentencing Pearrow to 6-15 years in prison. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Egan K. Walker, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk