


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REBECCA LEONA DECKARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87713-COA

FILED

SEP 19 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rebecca Leona Deckard appeals from a judgment of conviction, entered pursuant to a guilty plea, of ownership or possession of a firearm by a prohibited person and discharge of a firearm where a person might be endangered. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Deckard argues the district court abused its discretion at 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); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Deckard contends the district court improperly relied on impalpable and highly suspect evidence because the State argued at sentencing that Deckard pointed a gun at the victim. Deckard countered that the presentence investigation report did not reflect that she pointed a gun at the victim but instead that she retrieved a gun and told the victim she would shoot him in the face. The district court responded that “the reason you pull a gun . . . is to make people aware you’ve got a gun” and explained that, because Deckard told the victim she was going to shoot him in the face, the court questioned whether there was a meaningful distinction from the victim’s perspective between pointing the gun at the victim or just displaying it. Based on this exchange, we conclude that the factual distinction argued by the State did not impact the court’s sentencing decision. Therefore, Deckard fails to demonstrate the district court relied on impalpable and highly suspect evidence.

Deckard also contends the district court improperly imposed an aggregate 24-to-60-month prison sentence instead of granting probation. Here, the granting of probation was within the district court’s sentencing discretion. *See* NRS 176A.100(1)(c). Deckard’s sentence is within the parameters provided by the relevant statutes, *see* NRS 193.140; NRS 202.290(2); NRS 202.360(1), and, as is discussed above, Deckard fails to demonstrate the district court relied on impalpable or highly suspect evidence. Given this record, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Deckard on

probation or by sentencing her to a prison term of 24 to 60 months.
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