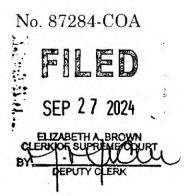
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN ANTONIO ANGUIANO-PACHECO, Appellant, vs. THE STATE OF NEVADA, Respondent.



ORDER OF AFFIRMANCE

Juan Antonio Anguiano-Pacheco appeals from a judgment of conviction, entered pursuant to nolo contendere plea, of battery which constitutes domestic violence with substantial bodily harm. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Anguiano-Pacheco argues the district court abused its discretion by not granting him probation. The granting of probation in this case was discretionary. See NRS 176A.100(1)(c); Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence..."). 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).

Anguiano-Pacheco's sentence of 28 to 72 months in prison is within the parameters provided by the relevant statute, see NRS 200.485(5), and Anguiano-Pacheco does not allege that the district court relied on

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impalpable or highly suspect evidence. The district court found that Anguiano-Pacheco was dangerous given his past criminal history and that a prison term was an appropriate sentence. We conclude the district court did not abuse its discretion by declining to suspend the sentence and place Anguiano-Pacheco on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Gibbons , C.J.

Bulla , J.

Westbrook J.

cc: Hon. Scott N. Freeman, District Judge Washoe County Alternate Public Defender Attorney General/Carson City Washoe County District Attorney Washoe District Court Clerk

