

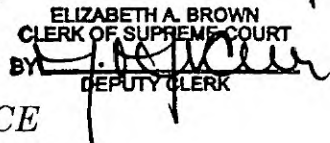
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EUGENE MEREDITH HOOPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88461-COA

FILED

OCT 31 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Eugene Meredith Hooper appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted coercion constituting domestic violence with the threat or use of physical force. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

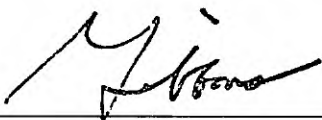
Hooper argues the district court abused its discretion by sentencing him to a prison term instead of following the parties' joint recommendation to suspend his sentence and place him on probation. Specifically, Hooper contends the district court did not give due consideration to his mitigating circumstances: Hooper's acceptance to mental health court; the victim's wishes that Hooper receive mental health treatment; the State's recognition of Hooper's traumatic childhood and mental health issues; and the State's agreement probation with mental health court was an appropriate sentence under the circumstances.

In this matter, the granting of probation 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).

Hooper’s sentence of 16-60 months in prison is within the parameters provided by the relevant sentencing statutes. See NRS 193.130(2)(c); NRS 193.153(1)(a)(3); NRS 207.190(2)(a). Moreover, Hooper does not contend that the district court relied upon impalpable or highly suspect evidence in determining his sentence. Although Hooper asserts that several mitigating factors warranted suspending his sentence, he argued these mitigating factors before the district court. The district court stated that it would not follow the parties’ joint recommendation because of Hooper’s criminal history and outstanding warrants. We conclude that the district court did not abuse its discretion by declining to suspend the sentence and place Hooper on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Barry L. Breslow, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk