

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

YOUNGERDAVID YAMYREMARION
SAMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88208-COA

FILED

DEC 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Youngerdavid Yamyremarion Sampson appeals from a judgment of conviction, entered pursuant to a guilty plea, of robbery. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Sampson argues the district court abused its discretion by imposing a prison term of 24 to 60 months rather than granting him probation. Sampson claims the district court failed to consider mitigating evidence regarding his upbringing; education; position as the only male in his family; duties in taking care of the family and acting as caretaker for his grandfather; employment history, including a second job; and lack of criminal history. He also claims the district court did not engage in individualized sentencing in this case because the district court stated that, when a crime like this is committed, “[i]t will never be probation in front of me.”

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).

Sampson’s sentence is within the parameters provided by the relevant statute, see NRS 200.380(2), and Sampson does not allege that the district court relied on impalpable or highly suspect evidence. At sentencing, the district court listened to Sampson’s mitigation evidence. After listening to the mitigation evidence, the district court stated it considered Sampson’s mitigating factors, including his age “and the circumstances thereto,” and his appearance for all of his court dates. The district court also considered the facts of the crime: Sampson came from California to commit five robberies¹ and terrorized the employees of the 7-Eleven convenience stores. While the district court stated the sentence would “never be probation in front of me,” the district court made this comment after noting the specific facts of this case. Thus, contrary to Sampson’s assertion, the district court’s sentencing decision was based on Sampson and his criminal actions and was not a fixed sentencing policy.

¹We note that Sampson was alleged to have committed five robberies of different 7-Eleven convenience stores around Reno. Through plea negotiations, he pleaded guilty to one robbery.

Given the facts of the crime, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Sampson on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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