

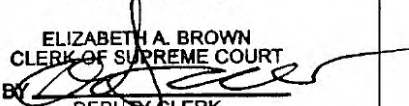
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL JARED TOGNARELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88260-COA

FILED

JAN 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Jared Tognarelli appeals from a judgment of conviction, entered pursuant to a guilty plea, of conspiracy to commit possession of a controlled substance. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

Tognarelli argues the district court abused its discretion by imposing a jail term rather than granting him probation. Specifically, he contends the district court abused its discretion in imposing his sentence of 240 days in jail because he had previously completed a drug diversion program, he had serious issues with methamphetamine use, and he was convicted of a gross misdemeanor “consensual drug crime.”

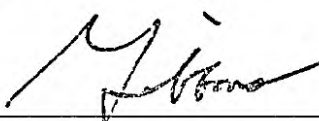
In this matter, the granting of probation was discretionary. *See* NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . .”). Generally, this court will not interfere with a sentence imposed by the district 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).

Tognarelli's sentence is within the parameters provided by the relevant statutes, *see* NRS 199.480(3); NRS 193.140, and Tognarelli does not allege that the district court relied on impalpable or highly suspect evidence. At sentencing, the district court listened to Tognarelli's mitigation arguments but indicated a jail term was warranted based on Tognarelli's criminal history, which consisted of 3 felonies and 18 misdemeanors, and on the fact that Tognarelli had previously had his probation and parole revoked. We conclude the district court did not abuse its discretion by declining to suspend the sentence and place Tognarelli on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kriston N. Hill, District Judge
Ben Gaumont Law Firm, PLLC
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk