

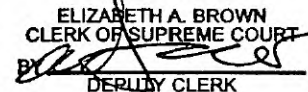
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB ERIN BARBATO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88640-COA

FILED

JAN 27 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jacob Erin Barbato appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted sex trafficking of a child and attempted sexual assault against a child under the age of 14 years. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Barbato argues the district court abused its discretion by sentencing him to consecutive prison terms of 8-20 years. Specifically, he contends the district court abused its discretion by imposing the maximum permissible sentence given the mitigating circumstances he presented, including his lack of criminal history, troubled childhood, learning disabilities, history of substance abuse, and letters of support as well as his not being a high risk to reoffend.

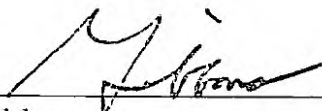
The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[s]o long as 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). Additionally, it is within the district court's discretion to impose consecutive sentences. See NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015).

Here, the sentence imposed is within the parameters provided by the relevant statutes. See NRS 193.153(1)(a)(1); NRS 200.366(3); NRS 201.300(2)(b)(2). And Barbato does not allege that the district court relied on impalpable or highly suspect evidence. Before announcing its sentencing decision, the district court heard argument regarding Barbato's mitigating circumstances, and nothing in the record indicates the district court did not consider this evidence. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Barbato, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk