

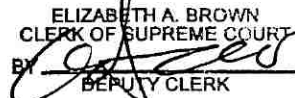
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MORRIS DIONEL HAWKINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88841-COA

FILED

FEB 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Morris Dionel Hawkins appeals from a judgment of conviction, entered pursuant to a guilty plea, of possession of a schedule I or II controlled substance less than 14 grams and misdemeanor battery. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Hawkins argues the district court's decision to sentence him to concurrent terms totaling 1 to 4 years' imprisonment as opposed to probation constituted an abuse of discretion and violated Hawkins' constitutional rights. Specifically, he claims the sentencing court did not properly consider the therapeutic programs available or the mitigation evidence presented.

The district court has wide discretion in its sentencing decision, and in this matter, the granting of probation was discretionary. See NRS 176A.100(1)(b); *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,

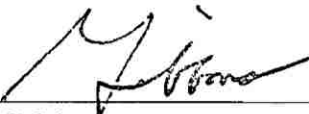
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94, 545 P.2d 1159, 1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Here, the sentence imposed is within the parameters provided by the relevant statutes. See NRS 193.130(2)(e); NRS 193.150(1); NRS 200.481(2)(a); NRS 453.336(2)(a). And Hawkins does not allege the district court relied on impalpable or highly suspect evidence. Before announcing its sentencing decision, the district court considered submissions and heard argument regarding Hawkins' mitigating circumstances and noted the trauma he experienced during his childhood was compelling. However, the court found Hawkins' prior failure on probation and continued criminal behavior, which included crimes of violence, warranted a term of imprisonment. We conclude the district court did not abuse its discretion in declining to suspend the sentence and place Hawkins on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk