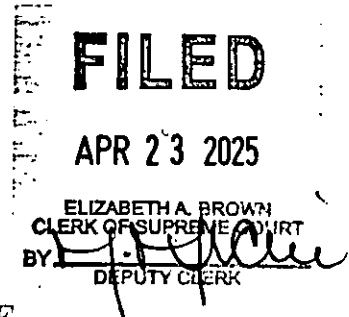


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRISTIAN FARFAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89388-COA



ORDER OF AFFIRMANCE

Cristian Farfan appeals from a judgment of conviction, entered pursuant to a guilty plea, of high-level possession of a controlled substance. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Farfan contends the district court abused its discretion at sentencing by relying on an unsupported inference, namely that there was "a lot of activity" occurring at Farfan's residence because law enforcement obtained a search warrant. Farfan also argues the district court ignored evidence that his prior convictions for driving under the influence (DUI) were drug related and focused on the DUIs without articulating their relevance to the instant offense. Farfan alleges he was prejudiced by these errors because the district court did not grant him probation, as recommended by the parties, but instead imposed a term of imprisonment.


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).

Farfan's sentence of four to ten years in prison is within the parameters provided by the relevant statute, *see* NRS 453.336(2)(e), and Farfan does not demonstrate the district court relied on impalpable or highly suspect evidence. The district court's conclusion regarding activity at Farfan's residence appears supported by the search warrant and the evidence found pursuant to that warrant. Further, Farfan does not demonstrate the district court ignored evidence presented at the sentencing hearing, and the district court was not required to articulate its sentencing reasoning. *See Campbell v. Eighth Jud. Dist. Ct.*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in imposing Farfan's sentence, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Erika D. Ballou, District Judge  
Benjamin Durham Law Firm  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk