

IN THE COURT OF APPEALS OF THE STATE OF NEVADA


CHARLES GARY ABSTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89512-COA

**FILED**

**JUN 16 2025**

ORDER OF AFFIRMANCE

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK


Charles Gary Abston appeals from a judgment of conviction, entered pursuant to a guilty plea, of driving under the influence of alcohol and/or a controlled or prohibited substance, above the legal limit, third offense. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Abston argues the district court abused its discretion at sentencing by ignoring his mitigating circumstances and imposing more than the minimum possible prison sentence. He cites to caselaw regarding the individualized sentencing of a defendant.

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).

The 24-to-60-month prison sentence imposed by the district court is within the parameters provided by the relevant statute. See NRS 484C.400(1)(c). And Abston does not allege the district court relied on impalpable or highly suspect evidence. The record demonstrates the district court properly considered Abston's individual circumstances in imposing sentence. The district court listened to the argument of the parties, including argument in mitigation made by Abston. In support of its sentencing decision, the district court stated it was concerned that Abston's history of DUIs demonstrated his "drinking behavior might be escalating" and implicated concerns about Abston's health and safety when he was "out and about in the community." Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Abston. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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