

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER TIMM PATTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90416-COA

FILED

SEP 03 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Melissa Patton
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Timm Patton appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Patton argues the district court abused its discretion in imposing a prison sentence instead of probation. He asserts probation was warranted because he had no prior felony convictions and his actions were misguided and the result of substance abuse. He contends the district court's "zero tolerance" policy toward gun crimes in downtown Reno compelled it to overlook considerable mitigating evidence.

The granting of probation in this case 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).

Patton's sentence of 2 to 5 years' imprisonment was within the parameters of NRS 200.481(2)(e)(1). Patton does not allege that the district court in referencing a "zero tolerance" policy relied on any impalpable or highly suspect evidence. The record does not indicate the district court failed to consider Patton's mitigating evidence. The court noted it had received the mitigation letters and certificates compiled by Patton and would consider them. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Patton. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

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