

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HECTOR ANTONIO SALINAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90339-COA

FILED

SEP 29 2025

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

ORDER OF AFFIRMANCE

Hector Antonio Salinas appeals from a judgment of conviction, entered pursuant to a guilty plea, of driver evade, elude, or fail to stop on signal of peace officer, endangering other person or property. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Salinas argues the district court abused its discretion by imposing a prison sentence greater than the sentence argued for by the State instead of suspending his sentence and allowing him the opportunity to complete a veterans court program as a condition of probation. Salinas also argues the district court's belief that allowing him the opportunity to participate in the program would not make a difference because Salinas had completed similar programs during his prior court cases was impalpable and highly suspect.

In this case, the granting of probation or placement in a specialty court program was discretionary. *See* NRS 176A.100(1)(c); NRS 176A.400(2); *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

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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).

Salinas' sentence of two to five years in prison is within the parameters provided by the relevant statute. See NRS 484B.550(3). In addition, the district court listened to the arguments of the parties, which included discussion of Salinas' criminal history, his previous participation in court programs, and his military service history, prior to imposing Salinas' sentence. Further, Salinas fails to identify any facts relied on by the district court that were supported only by impalpable or highly suspect evidence. Finally, the district court is not required to follow the sentencing recommendations of the parties. See, e.g., *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion by declining to suspend the sentence and allow Salinas the opportunity to complete a specialty court program as a condition of probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

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