

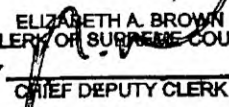
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHUCK HOWELL HAYES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90000-COA

**FILED**

SEP 29 2025

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

*ORDER OF AFFIRMANCE*

Chuck Howell Hayes appeals from a judgment of conviction, entered pursuant to a no contest plea,<sup>1</sup> of felon in possession of a firearm. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Hayes contends that the district court abused its discretion at sentencing by imposing a prison term instead of placing him on probation. Citing Justice Rose's dissent in *Tanksley v. State*, 113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting), he insists that appellate courts should afford lower courts less deference when reviewing sentencing decisions.

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

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<sup>1</sup>We note that a no contest plea is equivalent to a guilty plea insofar as how the court treats a defendant. *State v. Lewis*, 124 Nev. 132, 133 n.1, 178 P.3d 146, 147 n.1 (2008), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 556, 355 P.3d 791, 793-94 (2015).

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).

Hayes’ sentence of 28 to 70 months is within the parameters provided by the relevant statute, see NRS 202.360(1), and Hayes does not allege that the district court relied on impalpable or highly suspect evidence. The sentencing court considered evidence of Hayes’ troubled childhood and efforts to make a fresh start, but was also presented with evidence of a significant criminal history that included 11 prior felony convictions. We have considered the sentence and the crime, and we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Hayes on probation. Additionally, we decline Hayes’ invitation to more stringently review sentencing decisions. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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