

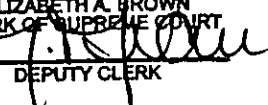
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ANTHONY RODGERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90759

FILED

NOV 20 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

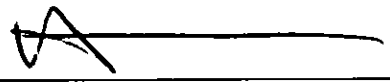
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of owning or possessing a firearm by a prohibited person. Second Judicial District Court, Washoe County; Lynne K. Jones, Judge.

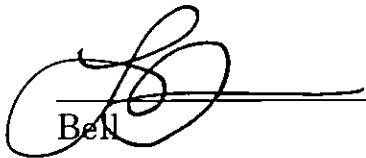
Appellant Joseph Rodgers argues the district court abused its discretion by not sentencing Rodgers to probation. We disagree because the granting of probation is discretionary, *see* NRS 176A.100(1)(c), and Rodgers has not demonstrated that the district court abused its discretion, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence, and that determination will not be overruled absent a showing of abuse of discretion."). This court will refrain from interfering with the sentence imposed "[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).

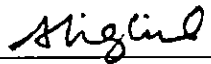
The sentence imposed in this case is within the parameters provided by the relevant statute, *see* NRS 202.360(1), and Rodgers does not

allege that the district court relied on impalpable or highly suspect evidence. Moreover, the district court stated it considered the presentence investigation report, Rodgers' criminal and probation history, and "everything that's mitigating for [Rodgers]." Considering the record, we are not convinced that the district court abused its discretion in declining to suspend the sentence and place Rodgers on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Lynne K. Jones, Chief Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk