

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD BOECHAT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57910

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

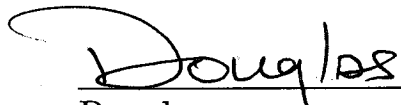
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

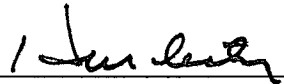
Appellant Edward Boechat contends that the district court abused its discretion at sentencing because it would have been equally rational to place him on probation with completion of mental health court as a condition. We disagree.

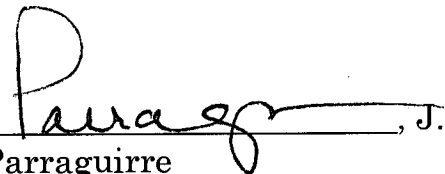
Boechat's sentence of 24 to 60 months in prison is within the statutory limits, see NRS 205.273(3); NRS 193.130(2)(c), and he does not allege that the district court relied on "impalpable or highly suspect evidence," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Further, it is within the district court's discretion whether to grant a defendant probation, NRS 176A.100(1)(c), and Boechat concedes that the district court rationally exercised its discretion in imposing his sentence. We conclude that the district court did not abuse its discretion at

sentencing, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk