

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE MICHAEL KOHAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57972

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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ORDER OF AFFIRMANCE

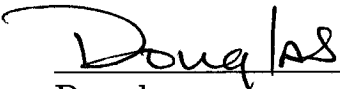
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a controlled substance for the purpose of sale. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

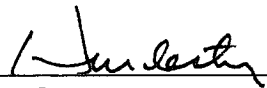
Appellant George Michael Kohan contends that the district court abused its discretion at sentencing by denying his request for probation with completion of mental health court as a condition. We disagree.

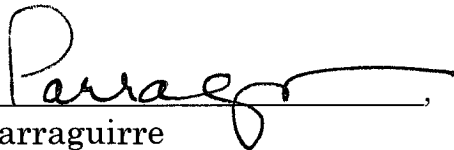
Kohan's sentence of 12 to 36 months in prison is within the statutory limits, see NRS 193.130(2)(d); NRS 453.337(2)(a), and he does not allege that the district court relied on "impalpable or highly suspect evidence," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). It is within the district court's discretion whether to grant a defendant probation, NRS 176A.100(1)(c), and Kohan 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