

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ROBERT SCHNEIDER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58565

FILED

NOV 18 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Handwritten Signature  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of home invasion. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Christopher Robert Schneider contends that the district court abused its discretion by rejecting the parties' sentencing recommendation and imposing a term of incarceration rather than a suspended sentence with probation. This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Schneider has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Moreover, the granting of probation is discretionary, see NRS 176A.100(1)(c), and Schneider's prison term of 16-90 months falls within the parameters provided by the relevant statute, see NRS 205.067(2). We

conclude that the district court did not abuse its discretion at sentencing  
and we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.  
Douglas

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Brent T. Adams, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk