

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGELA RUTH HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59092

FILED

FEB 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of leaving the scene of an accident involving personal injury. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant Angela Ruth Hernandez contends that the district court abused its discretion at sentencing by imposing a prison term rather than 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). Hernandez has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statute is unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Further, the granting of probation is discretionary and Hernandez's sentence falls within the parameters provided by the relevant statute. See NRS 176A.100(1)(c); NRS 484E.010(3) (formerly NRS 484.219). And finally, to the extent that Hernandez implies that the district court failed to exercise its discretion by following the recommendation of the Division of Parole and Probation

and imposing a prison term, we disagree. We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

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