

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC DOUGLAS BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59304

**FILED**

OCT 08 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to an Alford plea, of child abuse and neglect with substantial mental harm. See North Carolina v. Alford, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


Appellant Eric Douglas Brown contends that the district court abused its discretion at sentencing by considering impalpable or highly suspect evidence. Brown specifically takes issue with the allegations of prior bad acts included in the presentence investigation report's (PSI) offense synopsis. We disagree with Brown's contention.

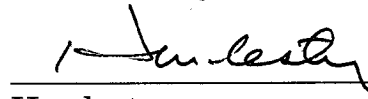
This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Here, the allegations of prior bad acts contained in the PSI were culled directly from a report generated by LVMPD during its investigation and the information was already part of the record reviewed by the district court. Brown fails to demonstrate that the district court relied solely on the alleged impalpable or highly suspect evidence. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Moreover, Brown's prison term of 48-120 months falls within the parameters provided by the relevant statute, see NRS 200.508(1)(a)(2)

(category B felony punishable by a prison term of 2-20 years), and complies with the terms of the negotiated plea agreement. We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Stefany Miley, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>The district court found that there were no errors in the supplemental PSI and denied Brown's oral request for the preparation of a third PSI. We agree with the district court and also decline Brown's request to elaborate on our opinion in Stockmeier v. State, Board of Parole Commissioners, 127 Nev. \_\_\_, \_\_\_ & nn.5-6, 255 P.3d 209, 213-14 & nn.5-6 (2011).