

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK LEONARD HARVEY TUCKER
SHARP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59509

FILED

JUN 13 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Anderson
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of eluding a police officer in a manner posing danger. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant Mark Leonard Harvey Tucker Sharp contends that the district court abused its discretion by not sentencing him to the minimum sentence. Sharp's sentence of 28 to 72 months in prison is within the statutory limits, see NRS 484B.550(3)(b), and the district court did not rely on "impalpable or highly suspect evidence," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Furthermore, it is within the district court's discretion to grant or deny probation, see NRS 176A.100(1)(c), and the district court is not required to follow the recommendations of the Division of Parole and Probation, Collins v. State, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Saitta

Saitta

, J.

Pickering

Pickering

, J.

Hardesty

Hardesty

, J.

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk