

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMY RAY COURTNEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60584

FILED

NOV 15 2012

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

ORDER OF AFFIRMANCE

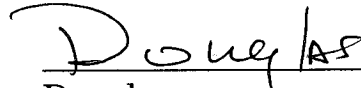
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted invasion of the home. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

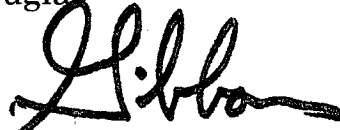
Appellant Jimmy Courtney argues that the district court abused its discretion by sentencing him to 24 to 60 months' incarceration rather than giving him probation. We disagree. The district court is afforded wide discretion in its sentencing decision, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and absent reliance on impalpable or highly suspect evidence we will not interfere with the court's imposition of a sentence within statutory guidelines. NRS 193.330, NRS 205.067; see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). In this case, Courtney acknowledges that the district court was within its authority to deny him probation due to his criminal history and the nature of the offense, but urges us to find that the district court abused its discretion because it did not articulate what it relied upon in sentencing him. We decline to impose such a requirement. See Campbell


v. District Court, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998).

Accordingly, we

ORDER the judgment of the conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, 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