

IN THE SUPREME COURT OF THE STATE OF NEVADA

JONATHAN TAYLOR OAKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61228

**FILED**

FEB 13 2013

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

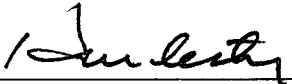
ORDER OF AFFIRMANCE

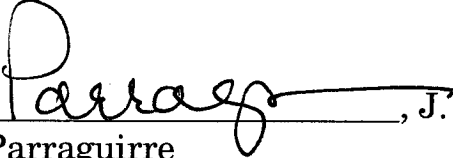
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary and possession of a credit card without cardholder's consent. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

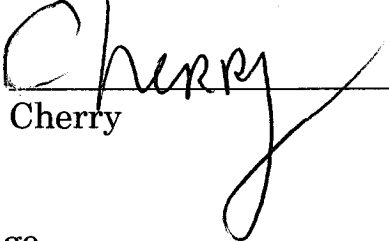
Appellant Jonathan Taylor Oaks claims that, because he was a passive participant in the crimes, the district court abused its discretion at sentencing by imposing prison terms rather than placing him on probation. At sentencing, the district court considered Oaks' role in the crimes and sentenced him to a prison term of 28-72 months for burglary and a concurrent term of 12-34 months for possession of a credit card after explaining that it was concerned and believed Oaks did not learn his lesson because he committed the instant crimes against property after previously serving a prison term for forgery. We conclude that the district court did not abuse its discretion by imposing prison terms rather than placing Oaks on probation, see NRS 176A.100(1)(c); NRS 193.130(2)(d);

NRS 205.060(2); NRS 205.690(2); Houk v. State, 103 Nev. 659, 664, 747  
P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

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