

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK ALAN SPADT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61252

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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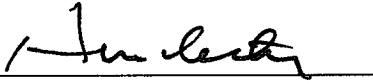
ORDER OF AFFIRMANCE

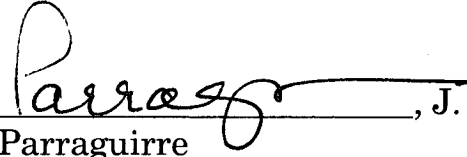
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery with the use of a deadly weapon causing substantial bodily harm. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

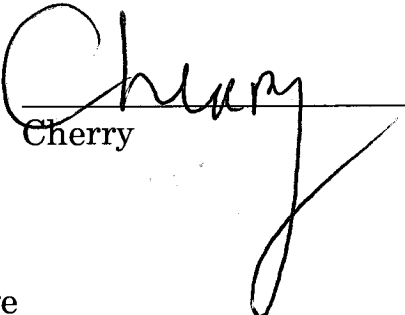
Appellant Mark Alan Spadt claims that the district court abused its discretion at sentencing by denying his request for probation and imposing a prison term. At sentencing, the district court noted that Spadt had previously been convicted of three felonies, one of which involved a crime of violence, and committed the instant violent offense shortly after being released from a 16-year prison term. We conclude that the district court did not abuse its discretion by denying Spadt's request for probation and imposing a prison term of 72-180 months, see NRS 176A.100(1)(c); NRS 200.481(2)(e)(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. Jerome Polaha, District Judge
Dennis A. Cameron
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk