

IN THE SUPREME COURT OF THE STATE OF NEVADA

DON WAYNE TELLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61570

FILED

MAR 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

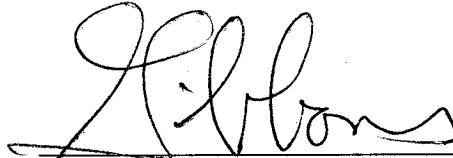
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted lewdness with a child under the age of 14 and attempted sexual assault. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Appellant argues that the district court's sentence was based on impalpable and highly suspect evidence and the prosecution's denigration of his sincere remorse and accountability of his actions. During sentencing, the prosecution and the defense presented opposing views concerning appellant's remorse and accountability for his crimes. The district court heard those arguments and was aware of the presentence investigation report and appellant's psychosexual evaluation, and, after considering those matters, the district court imposed sentence with no comment. Based on the record before us, we conclude that appellant failed to demonstrate that the district court based its decision on impalpable or highly suspect evidence or otherwise abused its discretion. Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (observing that district court is vested with broad discretion in sentencing and that this

court will reverse sentencing decision supported only by impalpable and highly suspect evidence). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Michelle Leavitt, District Judge
Kristina M. Wildeveld
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk