

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDIE MAY TATE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61722

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angelina
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Brandie Tate's participation in a diversion program and entering a judgment of conviction. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Tate argues that the district court abused its discretion by imposing a sentence of 12 to 36 months imprisonment because it did so based upon its erroneous belief that Tate had her children in the car when she was caught driving under the influence of marijuana and opioids. The record reflects that the district court revoked Tate's probation and imposed the sentence because she lied to the drug court. Because the record does not demonstrate that the district court relied "solely [upon] palpable and highly suspect evidence," *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996), and the sentence falls within the parameters provided by the relevant statute, see NRS 484C.400(1)(c), we

conclude that the district court did not abuse its discretion at sentencing.


Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 _____, J.

Gibbons

 _____, J.
Douglas

 _____, J.
Saitta

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk