

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY WADE HARPE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61853

FILED

APR 09 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 attempted obtaining money by false pretenses. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Jeremy Wade Harpe contends that the district court abused its discretion by sentencing him to serve a term of 12-36 months in prison rather than suspending his sentence and granting probation with drug court as a condition or granting diversion through Veteran's Court or NRS Chapter 458.¹ We disagree. Harpe's sentence is within the statutory limits, see 2005 Nev. Stat., ch. 318, § 9, at 1082-83; 205.380(1)(a) (2005); NRS 193.330(1)(a)(3); NRS 193.130(2)(c), and he does not allege that the district court relied on "impalpable or highly suspect evidence," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). It is within the district

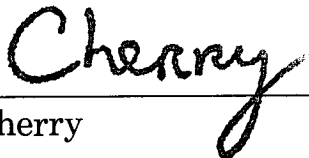
¹Although we filed the fast track statement submitted by Harpe, it fails to comply with the Nevada Rules of Appellate Procedure because it does not contain 1-inch margins on all four sides and is not prepared using 14-point or larger font. See NRAP 3C(h)(1); NRAP 32(a)(4)-(5). Counsel for Harpe, Steven Sexton, is cautioned that the failure to comply with all applicable rules in the future may result in the imposition of sanctions. See NRAP 3C(n); Smith v. Emery, 109 Nev. 737, 743, 856 P.2d 1386, 1390 (1993).

court's discretion to grant probation or diversion, NRS 176A.100(1)(c); NRS 176A.290(1); NRS 458.320(2), and Harpe fails to demonstrate that the district court abused its discretion by declining to do so here, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Patrick Flanagan, District Judge
Steven L. Sexton
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk