

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENNY FRANK TROEDEL, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62235

FILED

JUN 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. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant contends that the district court abused its discretion at sentencing by relying upon impalpable and highly suspect evidence and failing to consider his individual characteristics and that of the crime. We disagree. The district court stated that it considered the testimony of appellant's mother, counsels' argument, and the letters from appellant's family, and determined that a sentence of 60-180 months imprisonment was appropriate considering the nature of the act committed and the crime for which appellant was charged. This sentence falls within statutory guidelines, NRS 193.330(1)(a)(1); NRS 201.230(2), and appellant fails to demonstrate that it was "supported *solely* by impalpable and highly suspect evidence," *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284,

286 (1996). We conclude that the district court did not abuse its discretion, *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000), and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cherry, J.  
Cherry

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk