

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY LYNN LEINWEBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62306

FILED

JUN 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. M. M.*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of failure to register as a sex offender. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant argues that the district court abused its discretion by sentencing him to a prison term rather than granting him probation, considering that he committed only one offense and had the support of his fiancée. The granting of probation is discretionary. *See* NRS 176A.100(1)(c). *See generally Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence”). This court will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Appellant’s sentence of 18 to 48 months in prison is within the parameters provided by the relevant statutes, *see* NRS 179D.550; NRS 193.130, and appellant does not allege that the district court relied on impalpable or highly suspect evidence. Considering that appellant was noncompliant with his

obligation to register as a sex offender for 10 months, the seriousness of his underlying sexual-offense conviction, and his poor probation record, we are not convinced that the district court abused its discretion in declining to suspend the sentence and place appellant on probation. Therefore, 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