

IN THE SUPREME COURT OF THE STATE OF NEVADA

TEVIN MATTHEW AHDUNKO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62507

FILED

JUL 22 2013

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

ORDER OF AFFIRMANCE

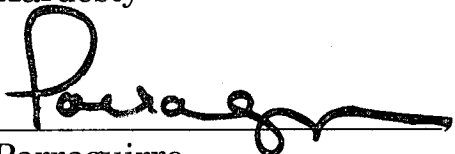
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery with substantial bodily harm. First Judicial District Court, Carson City; James Todd Russell, Judge.

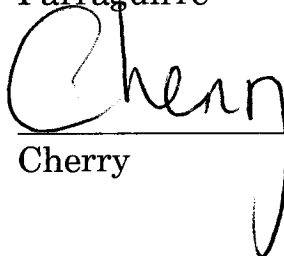
Appellant Tevin Matthew Ahdunko contends that the district court abused its discretion by imposing a term of incarceration rather than a suspended sentence with probation. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Ahdunko's prison term of 14-35 months falls within the parameters provided by the relevant statutes. See NRS 193.130(2)(c) (category C felony punishable by "a minimum term of not less than 1 year and a maximum term of not more than 5 years" and a fine not to exceed \$10,000); NRS 200.481(2)(b). Moreover, the granting of probation is

discretionary. See NRS 176A.100(1)(c). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk