

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ANTHONY RITTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62635

FILED

JUL 22 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *K. Malin*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted theft. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant John Anthony Ritter contends that the district court abused its discretion by sentencing him for a category D felony rather than a gross misdemeanor. Ritter claims that “the district court may have imposed a harsher sentence due to [his] decision not to meet with the division of parole and probation” prior to the sentencing hearing.¹ Ritter also claims that the Division exceeded its authority by recommending that the district court sentence him for a felony rather than a gross misdemeanor. We disagree with Ritter’s contentions.

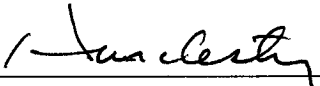
This court will not disturb a district court’s sentencing determination absent an abuse of discretion. *See Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Ritter fails to demonstrate that the district court relied solely on impalpable or highly suspect evidence.

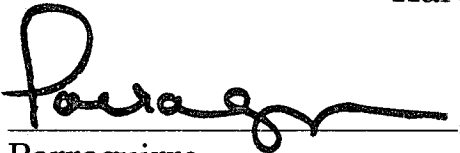
¹The district court imposed a suspended sentence of 12-32 months with a 3-year probationary term.

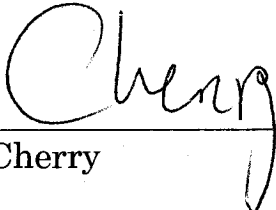
See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Additionally, Ritter did not object at the sentencing hearing to the Division's authority to make a sentencing recommendation, and he provides no cogent argument or relevant authority in support of his claim on appeal that the Division exceeded its authority. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). We conclude that Ritter fails to demonstrate that the district court abused its discretion at sentencing.

Ritter also contends that "[t]he judgment of conviction is void for all purposes" because it was entered more than 10 days after the sentencing hearing in violation of NRAP 4(b)(5)(A). Ritter, however, does not allege any prejudice and we conclude that no relief is warranted. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk