

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDOVAL EZEQUIEL JACOBO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62756

FILED

SEP 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

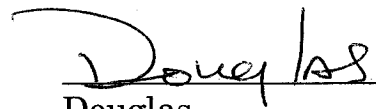
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery of a police officer with substantial bodily harm. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.


Appellant Sandoval Ezequiel Jacobo contends that the district court abused its discretion at sentencing by relying on highly suspect and impalpable evidence. Specifically, Jacobo argues that the Division of Parole and Probation's sentencing recommendation was highly suspect because it was not in accordance with his probation success probability form. We disagree. NAC 213.590(2) does not require that the Division's recommendation be consistent with an individual's probability success score, nor is the district court required to accept the Division's recommendation, *Collins v. State*, 88 Nev 168, 171, 494 P.2d 956, 957 (1972). Jacobo's prison term of 43-108 months falls within the parameters provided by the relevant statute, *see* NRS 200.481(2)(c), and we conclude

that the district court did not abuse its discretion at sentencing. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

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