

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY JON DEHART,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62757

FILED

SEP 18 2013

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

ORDER OF AFFIRMANCE

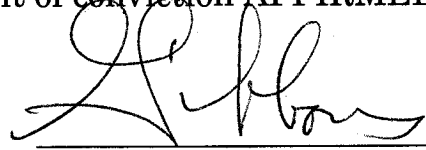
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of luring children. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

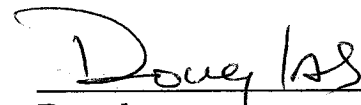
First, appellant Tony Jon Dehart contends that the district court abused its discretion at sentencing by declining to follow the recommendation of Parole and Probation because “[t]hey are the experts.” The district court has wide discretion at sentencing, *Parrish v. State*, 116 Nev. 982, 988, 12 P.3d 953, 957 (2000), and does not abuse that discretion by declining to follow sentencing recommendations, *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). Dehart’s sentence of 48-120 months falls within the parameters provided by statute, NRS 201.560(4)(a), and Dehart does not allege that the district court relied on impalpable or highly suspect evidence, see *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). We conclude that the district court did not abuse its discretion.

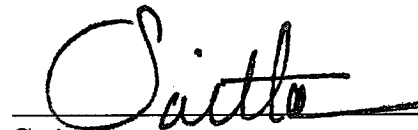
Second, Dehart contends that the judgment of conviction is void because it was filed more than 10 days after the district court announced its decision in violation of NRAP 4(b)(5)(A). Although it appears that the written judgment of conviction was filed late, Dehart

fails to allege or demonstrate any prejudice resulting from the untimely filing and we conclude that no relief is warranted. Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, 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

---

<sup>1</sup>Although we filed Dehart's fast track statement, it fails to comply with the Nevada Rules of Appellate Procedure because it is not double-spaced. See NRAP 3C(h)(1); NRAP 32(a)(4). We caution counsel, Matt Stermitz, that future failure to comply with the Nevada Rules of Appellate Procedure may result in the imposition of sanctions. See NRAP 3C(n).