

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICHOLAS HENRY HOLLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62847

FILED

SEP 18 2013

TRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK


ORDER OF AFFIRMANCE

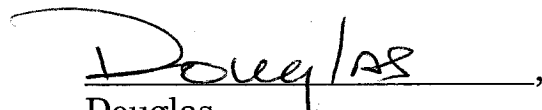
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of discharging a firearm at or into a structure and assault with a deadly weapon. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

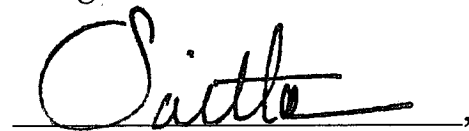
Appellant Nicholas Henry Holley contends that the district court abused its discretion by imposing a term of incarceration rather than a suspended sentence with probation. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Holley's two concurrent prison terms of 28-72 months fall within the parameters provided by the relevant statutes. See NRS 200.471(2)(b); NRS 202.285(1)(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.¹


Gibbons, J.


Douglas, J.


Saitta, J.

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

¹The fast track statement and response fail to comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because they do not contain 1-inch margins on all four sides. Counsel for the parties are cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. See NRAP 3C(n).