

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK ALBERT SCHWARTZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63507

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of theft. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

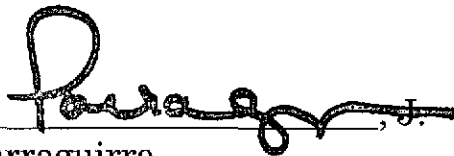
Appellant Jack Albert Schwartz contends that the district court abused its discretion by imposing a term of incarceration rather than a suspended sentence with probation. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Schwartz's prison term of 48-120 months and \$10,000 fine fall within the parameters provided by the relevant statute. See NRS 205.0835(4).¹ Moreover, the granting of probation is discretionary. See NRS 176A.100(1)(c). We conclude that the district court did not abuse its

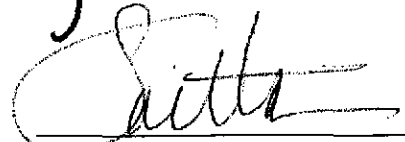
¹Schwartz was also ordered to pay restitution totaling \$1,005,000 to 8 different victims.

discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Pickering

 _____, J.
Parraguirre

 _____, J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Attorney General/Reno
Washoe County District Attorney
Washoe District Court Clerk