

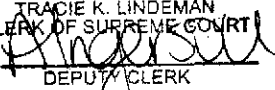
IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT WILLIAM SIDENER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63670

**FILED**

**FEB 13 2014**

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

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery by a prisoner in lawful custody or confinement. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant Scott William Sidener contends that the district court abused its discretion by imposing a sentence of imprisonment and denying his request for probation because he is 21 years old and has only had one prior felony conviction. We disagree.

We review a district court's sentencing determination for an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence."). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Sidener committed the instant offense while in custody for a previous felony offense, his prison term of 18 to 45 months is within the parameters provided by the relevant statute, see NRS 200.481(2)(f), and he does not allege that the district court relied on impalpable or highly

suspect evidence. We conclude that the district court did not abuse its discretion by declining to suspend the sentence and place Sidener on probation. See NRS 176A.100(1)(c) (granting of probation is discretionary). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

Saitta, J.  
Saitta

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