

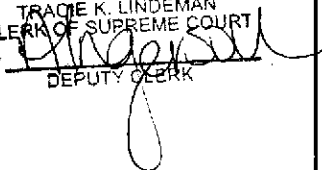
IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBI LYNN MORTIMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64049

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

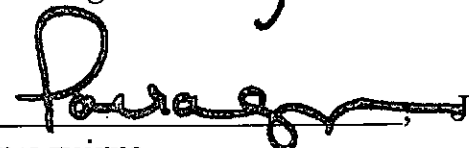
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary and possession of personal identifying information of another. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

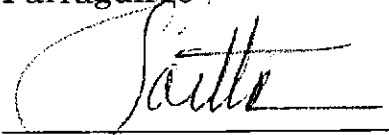
Appellant Bobbi Lynn Mortimer contends that the district court abused its discretion at sentencing by relying on emotion and imposing a term of incarceration rather than considering the value of probation with a condition of participation in drug court. We disagree. This court reviews a district court's sentencing determination for an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Here, the district court was presented with reliable information that Mortimer had difficulty complying with court directives and there is no indication that the court based its sentencing decision on emotion rather than the information presented. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (this court will not disturb a district court's sentencing determination "[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"). Mortimer's concurrent prison terms of 14-48 and 28-72 months

fall within the parameters provided by the relevant statutes. See NRS 193.130(2)(e); NRS 205.060(1)-(2); NRS 205.465(4). District courts have discretion in deciding whether to impose probation, NRS 176A.100(1)(c); *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974), and Mortimer fails to demonstrate that the court abused its discretion by declining to do so here. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. David A. Hardy, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk