

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALAN LAWRENCE KAHN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66334

FILED

FEB 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of attempted burglary. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.


Appellant contends that the district court abused its discretion at sentencing by imposing a prison term rather than placing him in drug or mental health court.

The district court is afforded wide discretion in its sentencing decision, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and absent reliance on impalpable or highly suspect evidence, we will not interfere with the district court's imposition of a sentence within statutory guidelines; *see Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). It is within the district court's discretion to impose probation. *See* NRS 176A.100(1)(c). The district court concluded that appellant's lengthy criminal history warranted a prison sentence rather than probation with a requirement for drug or mental health court. Appellant fails to demonstrate that the district court relied on impalpable or highly suspect evidence, and he does not argue that his sentence of 24 to 60 months falls outside the statutory parameters, *see* NRS 193.330, NRS 205.060.

Therefore, we conclude that appellant fails to demonstrate that the district court abused its discretion, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk