

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TOD ALLEN SINDT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66500

FILED

MAR 17 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

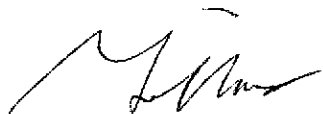
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of driving under the influence of intoxicating liquor with a prior felony conviction. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant claims that the district court abused its discretion by sentencing him to a minimum prison term of 72 months because he did not make it a habit to drink and drive and he was only keeping a more inebriated friend from operating his vehicle. However, appellant's 72- to 180-month prison term falls within the parameters of the relevant statute. *See* NRS 484C.410(1). The record does not suggest that the district court based its sentencing decision on impalpable or highly suspect evidence. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And we

conclude that appellant has failed to demonstrate that the district court abused its discretion at sentencing. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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