

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH STEVEN BRONSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67073

FILED

JUN 16 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, pursuant to a guilty plea, of first-degree arson. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.


Appellant Kenneth Bronson asserts the district court abused its discretion at sentencing by imposing a prison term rather than sentencing him to probation. He further asserts the judgment of conviction improperly imposes a maximum term of 160 months because the district court orally imposed a maximum term of 156 months. We disagree.

The granting of probation is discretionary. See NRS 176A.100(1)(c). See generally *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).

Bronson's sentence of 62-160 months is within the parameters provided by the relevant statute, *see* NRS 205.010, and he does not allege the district court relied on impalpable or highly suspect evidence. We are not convinced the district court abused its discretion in declining to suspend the sentence and place Bronson on probation. Further, although the upward deviation of the maximum term to 160 months appears to have been a clerical error, the written judgment is controlling;¹ the oral pronouncement is not the final and effective decision. *See Bradley v. State*, 109 Nev. 1090, 1094-95, 864 P.2d 1272, 1274-75 (1993). Accordingly, we find no error in the judgment of conviction, and 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

¹We note the district court can correct a clerical error at any time. NRS 176.565.