

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES EDWARD LAWSON, III,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67581

FILED

AUG 25 2015

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Alford*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to an *Alford*¹ plea of attempted robbery. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

Appellant James Lawson, III, claims the district court abused its discretion by sentencing him to a prison term instead of granting him probation. Lawson argues the court was required to place him on probation with community service because the Legislature has not established a specific criminal penalty for attempted robbery. He suggests the court failed to consider the fact he had never committed a crime of violence when making its sentencing decision. And he asserts the State would not be prejudiced if his case was remanded for resentencing so he could be placed on probation.


We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Lawson's 12- to 60-month prison term falls within the parameters of the relevant statutes. See NRS 193.330(1)(a)(2); NRS 200.330. The record

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

does not suggest the court's sentencing decision was based on impalpable or highly suspect evidence. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And the court's decision to grant probation is discretionary. *See* NRS 176A.100(1)(c).

The record demonstrates the district court imposed the sentenced stipulated to by the parties and Lawson received the benefit of his bargain. Accordingly, Lawson has failed to demonstrate the court abused its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Silver

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Lizzie R. Hatcher
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The Honorable Jerome T. Tao, Judge, did not participate in the decision in this matter.