

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LARRY DARNELL CRAYTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71169

**FILED**

DEC 14 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Larry Crayton appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted battery causing substantial bodily harm. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Crayton argues the district court abused its discretion when it imposed a prison term instead of placing him on probation with mental health court as a condition of 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). Crayton's 19- to 48-month prison term falls within the parameters of the relevant statutes. See NRS 193.130(2)(d); NRS 193.330(1)(a)(4); NRS 200.481(2)(b). The record does not suggest the district court's sentencing decision was based on palpable or highly suspect evidence. See *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And the district court's decision to grant probation is discretionary. See NRS 176A.100(1)(c). The district court's decision to deny probation was not based solely on the State's argument that Crayton already received a benefit by pleading guilty to a lesser charge. Instead, the district court found this was a crime

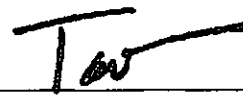



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of violence, Crayton had 33 prior misdemeanor and felony convictions, and his crimes appear to be escalating. Given this record, we conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Lynne K. Simons, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk