

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHANE STEVEN MOBLEY-LANCE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72388

FILED

APR 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Shane Steven Mobley-Lance appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of sale of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

First, Mobley-Lance argues the district court abused its discretion by imposing a prison sentence rather than a term of probation because he was a good candidate for 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). We will not interfere with the sentence imposed by the district court "[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).


The district court sentenced Mobley-Lance to serve two concurrent prison terms of 28 to 72 months in prison. The sentences imposed fall within the parameters provided by the relevant statute, see NRS 453.321(4)(b), and Mobley-Lance does not allege the district court relied on impalpable or highly suspect evidence. Moreover, the decision to deny Mobley-Lance's request for probation was within the district court's

discretion. See NRS 176A.100(1)(c). Based on the record before this court, we conclude the district court did not abuse its discretion when it imposed sentence.

Second, Mobley-Lance argues the district court erred by declining to apply any presentence credits against his sentence. Defendants are entitled to presentence credit for time served “unless the defendant’s confinement was pursuant to a judgment of conviction for another offense.” NRS 176.055(1). The record before this court indicates Mobley-Lance was on parole for an unrelated criminal matter when he was sentenced in this case and the presentence investigation report informed the district court that all of Mobley-Lance’s credit for time served would be applied to that matter.<sup>1</sup> The record before this court indicates Mobley-Lance was confined pursuant to the judgment of conviction for his other criminal matter, and therefore, we conclude Mobley-Lance fails to demonstrate the district court should have applied presentence credits to his sentence in this case. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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<sup>1</sup>We note the record before this court does not contain a transcript of the sentencing hearing. We remind Mobley-Lance it is his burden to provide this court with an appropriate record with which to review his claims. See NRAP 30(b)(1), (3); *McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009).

cc: Hon. Michael Montero, District Judge  
Miller Law, Inc.  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk