

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMANDA VICTORIA WHEDBEE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73923

FILED

APR 25 2018

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

ORDER OF AFFIRMANCE

Amanda Victoria Whedbee appeals from a judgment of conviction, entered pursuant to a guilty plea, of obtaining and using false identifying information of another to avoid prosecution and possession of a credit card without cardholder's permission. First Judicial District Court, Carson City; James E. Wilson, Judge.

Whedbee argues the district court abused its discretion at sentencing by not sentencing her to probation on count one.¹ Specifically, she claims the factors to consider a person for probation, *see* NAC 213.590, weighed in favor of placing her on probation. She wants the opportunity to turn her life around, get clean, and be available for her two children.

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

¹For count two, the district court granted Whedbee's request for probation, which is to be served consecutively to the prison term for count one.

only by palpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The sentence of 16 to 48 months for count one is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 205.463(2), and Whedbee does not allege the district court relied on palpable or highly suspect evidence. Whedbee failed to provide this court with a copy of the sentencing transcript. "The burden to make a proper appellate record rests on appellant." *See Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980). Therefore, we conclude Whedbee failed to demonstrate the district court abused its discretion by declining to suspend the sentence on count one and place Whedbee on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. James E. Wilson, District Judge
John E. Malone
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk