

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRAVIS DEAN MAXWELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74095

**FILED**

JUL 27 2018

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

*ORDER OF AFFIRMANCE*

Travis Dean Maxwell appeals from a judgment of conviction entered pursuant to a guilty plea of attempted battery with substantial bodily harm and battery constituting domestic violence. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

First, Maxwell claims the district court abused its discretion by adjudicating him a felon and placing him on probation for a four-year period because he had no criminal record and should have been adjudicated guilty of a gross misdemeanor, the Division of Parole and Probation recommended probation for a two-year period, and the Division failed to prepare a Probation Success Probability (PSP) form.

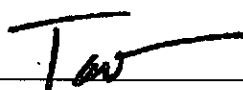
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Maxwell's felony adjudication, 14- to 48-month prison term, and four-year period of probation fall within the parameters of the relevant statutes. See NRS 176A.500(1); NRS 193.130(2)(c); NRS 193.330(1)(a)(4); NRS 200.481(2)(b). And the record does not suggest the district 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).

Moreover, the district court was not required to follow the Division's sentencing recommendations. *See Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). Maxwell failed to object to the absence of the PSP form. *See Blankenship v. State*, 132 Nev. \_\_\_, \_\_\_, 375 P.3d 407, 412 (2016) ("A defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she object before sentencing." (internal quotation marks and brackets omitted)). And Maxwell was not prejudiced by the absence of the PSP form because he was placed on probation. *See id.* at \_\_\_, 375 P.3d at 411-12 (intimating the PSP form is a decision tool used by the Division to determine whether to recommend prison or probation). Accordingly, we conclude the district court did not abuse its discretion at sentencing.

Second, Maxwell claims his convictions for attempted battery with substantial bodily harm and battery constituting domestic violence are impermissibly redundant because they punish the same conduct. However, he bargained for and pleaded guilty to both of these charges, he did not reserve the alleged error for appeal, and he waived any errors that occurred before the entry of his guilty plea. *See NRS 174.035(3); Tollett v. Henderson*, 411 U.S. 258, 267 (1973); *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). Accordingly, we decline to consider this claim.

Having concluded Maxwell is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Gregory D. Knapp  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk