

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH PAUL LESLIE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68406

FILED

DEC 18 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of driving under the influence of an intoxicating liquor with a prior DUI felony conviction. First Judicial District Court, Carson City; James E. Wilson, Judge.


Appellant Kenneth Leslie claims the district court abused its discretion by imposing a harsh sentence based on his driving pattern instead of following the Division of Parole and Probation's recommendation, which was based on a scoring sheet that considered his age, criminal history, education, financial stability, employment, whether the offense involved violence or was a victimless crime, and whether he cooperated and had a positive attitude towards sobriety.


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). Leslie's 60- to 156-month prison term falls within the parameters of the relevant statute. See NRS 484C.410(1)(a). 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). And the court was not required to follow the sentencing

recommendations of the Division of Parole and Probation. *See Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972).

The record reveals the district court reached its sentencing decision after observing that Leslie was caught driving with his lights off at night and a blood alcohol level of point two, he had at least five prior DUI convictions, and he was a danger to society because of his disease and its symptoms. Given this record, we conclude the district court did not abuse its sentencing discretion, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. James E. Wilson, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk