

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CANDICE MARIE ANDERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70560

**FILED**

APR 19 2017

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

*ORDER OF AFFIRMANCE*

Appellant Candice Marie Anderson appeals from a judgment of conviction, pursuant to a guilty plea, of abuse, neglect, or endangerment of a child causing substantial bodily harm. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Anderson argues the district court abused its discretion by sentencing her to serve a prison term rather than a term of probation because she was not determined to be a high risk to reoffend, she was remorseful, and she had a negligible criminal history.<sup>1</sup> We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*,

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<sup>1</sup>We reject the State's assertion that NRS 177.015(4) statutorily bars this claim. NRS 177.015(4) permits a defendant to appeal from a final judgment resulting from a guilty plea if "the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings." Further, *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999), identifies "a challenge to the sentence imposed on constitutional or other grounds" as a claim that may be raised on direct appeal from a final judgment resulting from a guilty plea.

125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We “will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

A review of the record reveals the district court did not base its sentencing decision on impalpable or highly suspect evidence. The district court heard the arguments of counsel and the evidence submitted at the sentencing hearing, including victim impact statements regarding the lifelong difficulties faced by Anderson’s daughter as a result of the abuse inflicted upon her, and concluded a prison term of 96 to 240 months was the appropriate sentence. See NRS 200.508(1)(a)(2). Further, the decision to deny Anderson’s request for probation was within the district court’s discretion. See NRS 176A.100(1)(c). We conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk