

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAREN NICOLE OATES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78728-COA

FILED

DEC 12 2019

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

ORDER OF AFFIRMANCE

Maren Nicole Oates appeals from a judgment of conviction entered pursuant to a guilty plea of sexual contact between an employee of an entity providing services to children and a child under the care, custody, control, or supervision of the entity. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Oates claims the district court abused its discretion by sentencing her to a prison term of 12 to 34 months because both parties recommended probation, the Division of Parole and Probation recommended a minimum sentence and a term of probation, a psychosexual evaluation certified that she did not pose a high risk to reoffend, she proved amenable to supervision, and she did not have a prior criminal history. Oates further claims the district court's failure to state any "supporting reasons or rational [for its sentencing decision] suggests an arbitrary and capricious result."

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). Oates' sentence falls within the parameters of the relevant statutes. See NRS 193.130(2)(c); NRS 201.555(1). 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).

Furthermore, the district court's sentencing discretion is not bound by the terms of a plea agreement. See generally *Van Buskirk v. State*, 102 Nev. 241, 244, 720 P.2d 1215, 1217 (1986). The district court is not required to follow the sentencing recommendations of the State or Division of Parole and Probation. See *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). And the district court is not required to state its reasons for imposing a sentence. *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998).

For the foregoing reasons, we conclude Oates has failed to demonstrate the district court abused its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerome M. Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk