

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL JAY MAXFIELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81849-COA

FILED

MAR 30 2021

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

ORDER OF AFFIRMANCE

Daniel Jay Maxfield appeals from a judgment of conviction, entered pursuant to a no contest plea, of possession of a stolen motor vehicle. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Maxfield contends the district court abused its discretion by sentencing him to a prison term rather than probation. The granting of probation is discretionary. *See* NRS 176A.100(1)(c); *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 only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The district court listened to the arguments of the parties and, noting Maxfield’s seven prior felonies, concluded that probation was not appropriate in this matter. Maxfield’s sentence of 24 to 60 months in prison is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 205.273(3), and Maxfield does not allege that the district

court relied on palpable or highly suspect evidence. We therefore conclude the district court did not abuse its discretion by declining to suspend the sentence and place Maxfield on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Fourth Judicial District Court, Dept. 1
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk