

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JORDAN MICHAEL ROBERTSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88229-COA

FILED

DEC 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jordan Michael Robertson appeals from a judgment of conviction, entered pursuant to a guilty plea, of possessing visual pornography of a person under age 16. Second Judicial District Court, Washoe County; Lynne K. Jones, Chief Judge.

Robertson argues the district court abused its discretion by imposing a prison term of 12 to 36 months rather than granting him probation. He claims the district court's comments at sentencing indicate the court's belief that defendants who commit this type of crime should not be given probation. Robertson notes that the Legislature provided probation as a possible sentence for this type of crime and thus, the district court "exceeded the bounds of law and reason and failed to give due consideration to the issues at hand."

In this matter, the granting of probation was 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 . . ."). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes "[s]o long as the record does not demonstrate prejudice

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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); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Robertson’s sentence is within the parameters provided by the relevant statute, see NRS 200.730(1), and Robertson does not allege that the district court relied on impalpable or highly suspect evidence. At sentencing, the district court acknowledged Robertson’s mitigation evidence that he was young, had no criminal history, and was not found to be a high risk to reoffend in his psychosexual evaluation. However, the district court found Robertson’s behavior surrounding the possession of the child pornography to be concerning. The district court ultimately determined that Robertson should be sentenced to prison rather than be placed on probation. Contrary to Robertson’s argument, the district court did not state that all defendants convicted of possessing visual pornography of a person under age 16 should not get probation. Instead, the district court found that, based on the facts of this case, probation was not warranted. Therefore, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Robertson on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Lynne K. Jones, Chief Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk