

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMY LO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42111

FILED

MAR 23 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count each of burglary and unlawful use of coins in a gaming machine. The district court sentenced appellant Amy Lo to serve concurrent prison terms of 16-72 months and 12-72 months, and ordered her to pay \$688.00 in restitution.

Lo's sole contention is that the Division of Parole and Probation (P & P) improperly failed to contact authorities in New Jersey, despite numerous requests by defense counsel, prior to completing the presentence investigation report (PSI). Lo argues that her probation officer in New Jersey "would have presented favorable information" about her cooperation with New Jersey police that could have influenced P & P's sentencing recommendation. We conclude that Lo's contention is without merit.

Initially, we note that Lo has not provided any argument or relevant authority or even alleged that the district court abused its discretion at sentencing.¹ Further, Lo fails to even state what form of

¹See generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("[i]t is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court").

relief she is requesting. As this court has stated repeatedly, we 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.”² Moreover, the sentence imposed was within the parameters provided by the relevant statutes.³

Further, Lo has not specified which alleged rights were violated or demonstrated that any specific right was violated by P & P’s preparation and submission of the PSI for sentencing purposes.⁴ This court has stated that the intent of NRS 176.145, which dictates what P & P must include in a PSI, is to specify how P & P shall aid the district court in sentencing a defendant; the statute is not meant to limit the district court’s jurisdiction to proceed when there are inadequacies in the report.⁵ Also, the sentence recommendation in the PSI is not binding on the district court.⁶

In the instant case, prior to sentencing Lo, the district court noted her significant criminal history, all relating to gaming offenses in New Jersey, and heard the arguments of counsel and Lo’s statement of

²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

³NRS 205.060(2) (category B felony providing for a 1-10 year term of imprisonment for burglary); NRS 465.088 (category B felony providing for a 1-6 year term of imprisonment for the unlawful use of coins in a gaming machine).

⁴See generally Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

⁵Thomas v. State, 88 Nev. 382, 384-85, 498 P.2d 1314, 1315-16 (1972).

⁶Etcheverry v. State, 107 Nev. 782, 786, 821 P.2d 350, 352 (1991).

allocation. Defense counsel informed the district court that he had written letters and asked P & P to contact Lo's probation officer in New Jersey for potential mitigating evidence at sentencing. The representative from P & P, the probation officer who prepared Lo's PSI, stated that he never received any letters from defense counsel making such a request. The district court stated to defense counsel:

THE COURT: [P & P] is not required to go about what I would consider rather extraordinary measures to find mitigating factors in this event. He's receptive to the phone call, had it come, and it didn't evidently. But I don't see why you would be precluded from Plus, I might add that if you weren't ready to go forward and you told me yesterday, we might have continued the matter. But I have done substantial preparation in this matter.


Based on all of the above, we conclude that the P & P's preparation and submission of the PSI did not violate any of Lo's rights, and that the district court did not abuse its discretion at sentencing.

Accordingly, having considered Lo's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. Donald M. Mosley, District Judge
Law Office of Benson Lee, Esq.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk