

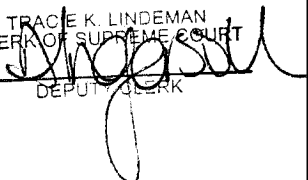
IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL ANDREW BASHAM, JR.
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63328

FILED

NOV 14 2013

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of child neglect causing substantial bodily harm. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


Appellant Daniel Andrew Basham, Jr., contends that the district court abused its discretion at sentencing by relying on impalpable or highly suspect evidence and failing to consider the evidence he presented in mitigation. We disagree with Basham's contention.


This court will not disturb a district court's sentencing determination absent an abuse of discretion. *See Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Basham fails to demonstrate that the district court relied solely on impalpable or highly suspect evidence, *see Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009), and his prison term of 60-150 months falls within the parameters provided by the relevant statute, *see* NRS 200.508(2)(a)(2) (category B felony punishable by a prison term of 2-20 years). Further, the record does not support Basham's claim that the district court failed to consider the evidence he

presented in mitigation. We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.¹


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Hon. Patrick Flanagan, District Judge
Suzanne M. Lugaski
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The fast track statement does not comply with NRAP 3C(h)(1) and the applicable rules because the text in the body of the briefs is bolded, NRAP 32(a)(6), and not double-spaced, NRAP 32(a)(4). The fast track statement contains multiple assertions of fact with inadequate citation to the record. NRAP 3C(e)(1)(C). The certification is improper because it states that the brief does not exceed 30 pages rather than the 15 pages allowed by NRAP 3C(e)(1)(B). Despite this court's order filed on July 26, 2013, appellant's counsel still has not filed a transcript request form in this court. Counsel for appellant is cautioned that the failure to comply with the rules of this court in the future may result in the imposition of sanctions. See NRAP 3C(n).