

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER SCOTT MARKLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72576

FILED

DEC 28 2017

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

ORDER OF AFFIRMANCE

Christopher Scott Markley appeals from a judgment of conviction entered pursuant to a guilty plea of battery with the use of a deadly weapon resulting in substantial bodily harm. First Judicial District Court, Carson City; James Todd Russell, Judge.

Markley claims the district court abused its discretion at sentencing by not placing him on probation because he suffered from mental illness and extreme child abuse and he did not have a criminal record.

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). Markley's 32- to 84-month prison term falls within the parameters of the relevant statute. *See* NRS 200.481(2)(e)(2). 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). And the district court's decision to grant probation is discretionary. *See* NRS 176A.100(1)(c).

The district court considered the fact Markley had stabbed the victim in the back nine times, and the court decided not to place Markley

on probation. We conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk