

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY ROLAND BAIR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77894-COA

FILED

DEC 27 2019

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

ORDER OF AFFIRMANCE

Anthony Roland Bair appeals from a judgment of conviction entered pursuant to a guilty plea of battery on an officer resulting in substantial bodily harm. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Bair claims the district court abused its discretion by imposing a term of imprisonment instead of placing him on probation. He asserts that the district court gave little credence to the letters submitted on his behalf and the testimony of his long-time significant other. And he argues that this evidence clearly demonstrated that he was taking positive steps to get his life back on track.

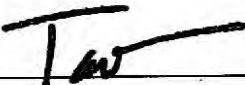
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information 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's decision to grant probation is discretionary. NRS 176A.100(1)(c).

Here, Bair's sentence of 30 to 76 months in prison falls within the parameters of the relevant statute. See NRS 200.481(2)(c). Bair does not allege the district court relied on impalpable or highly suspect evidence. And the record demonstrates the district court read the letters submitted on Bair's behalf and heard the testimony of Bair's long-time significant other.

We note that Bair has previously committed violent offenses and his victim in the instant offense was a police officer who was doing his job by enforcing the law for the protection of the community. We conclude the district court did not abuse its discretion by imposing a term of imprisonment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Alvin R. Kacin, District Judge
Lockie & Macfarlan, Ltd.
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk