

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CINDY RAE ENDERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78859-COA

FILED

DEC 27 2019

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

ORDER OF AFFIRMANCE


Cindy Rae Enders appeals from a judgment of conviction entered pursuant to a guilty plea of conspiracy to commit burglary. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Enders claims the district court abused its discretion by sentencing her to 270 days in the county jail. She argues that her sentence should be reversed because she took responsibility for her actions, there was no evidence that she tried to take property that would have constituted a grand larceny, there was "nothing too serious" in her criminal history, and she has had to endure a hard life.

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)(b).

Here, Enders' sentence of 270 days in the county jail falls within the parameters of the relevant statutes. See NRS 193.140; NRS 199.480(3). She has not alleged the district court relied on impalpable or highly suspect evidence. And the record demonstrates that the district court considered the seriousness of her offense and her past criminal activities before imposing the sentence. We conclude the district court did not abuse its discretion by sentencing her to 270 days in the county jail. Accordingly, we ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Alvin R. Kacin, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk