

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MELISSA NICOLE BLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79151-COA

FILED

FEB 18 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Melissa Nicole Bland appeals from a judgment of conviction entered pursuant to a no contest plea of conspiracy to commit assault with a deadly weapon, a gross misdemeanor. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.


Bland claims the district court abused its discretion by sentencing her to a jail term instead of probation, where she could get the mental health treatment she needs.


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, Bland's sentence of 364 days in the county jail falls within the parameters of the relevant statutes. See NRS 193.140; NRS 199.480(3). Bland does not allege the district court relied on impalpable or highly

suspect evidence. And the record demonstrates that the district court considered Bland's substance abuse history and mental health problems, and it concluded she needed to be deterred from her perpetual misbehavior. We conclude from this record that the district court did not abuse its discretion at sentencing. 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