


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHELLE DIANNE SOUTH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82054-COA

FILED

MAR 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michelle Dianne South appeals from a judgment of conviction entered pursuant to a guilty plea of grand larceny of a motor vehicle. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

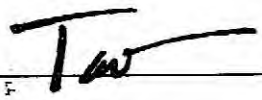
South claims the district court abused its discretion by not granting probation because she had no prior felony convictions and she should have been given the opportunity to pursue mental health treatment options prior to being sent to prison. The granting of probation is discretionary. See NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence. . . .”). This court will refrain from interfering with the sentence imposed “[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).

South’s sentence of 15 to 38 months in prison is within the parameters provided by the relevant statutes. See NRS 193.130(2)(c); NRS 205.228(2). South does not allege the district court relied on impalpable or highly suspect evidence. In rendering its sentencing decision, the district

court noted South "does not follow the simplest of rules and directions of the Court." Considering that the district court held South in contempt for failing to appear twice for arraignment and once for sentencing, we conclude the district court did not abuse its discretion by declining to suspend South's sentence and place her on probation. 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