

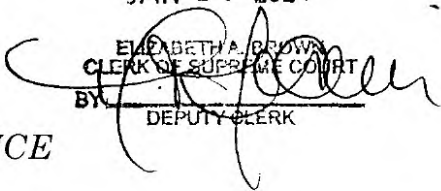
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SCOTT O'NEAL ELLIOTT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86793-COA

**FILED**

JAN 25 2024

ELIZABETH A. CROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Scott O'Neal Elliott appeals from a judgment of conviction, entered pursuant to a guilty plea, of gross misdemeanor child abuse and neglect. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

Elliott argues the district court abused its discretion at sentencing when it imposed the maximum possible sentence of 364 days in jail. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[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); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Elliott argues the district court relied on impalpable and highly suspect information, namely his repeated failure to appear for court and his evaluation pursuant to NRS 176A.110(1)(b), which indicates that he poses

a moderate risk to reoffend. Elliott does not explain why his repeated failure to appear for sentencing or his evaluation constitute palpable or highly suspect evidence. The record indicates that Elliott failed to appear for his sentencing hearing four times and that the district court ultimately issued a no-bail bench warrant. And the district court acknowledged at sentencing that Elliott was determined to pose a moderate risk to reoffend. Further, the sentence imposed is within the parameters provided by the relevant statutes. *See* NRS 193.140; NRS 200.508(2)(b)(1). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Elliott. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kimberly A. Wanker, District Judge  
SDS Chartered, LLC  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk