

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66666

FILED

JUL 14 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of promotion of a sexual performance of a minor, age 14 or older. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Appellant Roderick Skinner claims the district court abused its discretion by sentencing him to a prison term rather than placing him on probation. Skinner asserts the pragmatic approach would have been to sentence him to probation because his deportation to Australia was inevitable.

The granting of probation is discretionary. *See* NRS 176A.100(1)(c). *See generally 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).

The sentence imposed in this case is within the parameters provided by the relevant statute, *see* NRS 200.750(1), and Skinner does not allege that the district court relied on impalpable or highly suspect evidence. The district court considered Skinner's request for probation, but declined to grant probation. The district court commented that placing Skinner on probation would be illusory because there would be no one to supervise Skinner and make sure he did not violate the terms and conditions of probation. The judge stated he could not "get past the idea that [probation] is . . . not punitive enough" and he was "not satisfied that the supervision in Australia will be efficacious in any way." Considering the circumstances of the crime and the district court's reasoning, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Skinner on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. David A. Hardy, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk