

IN THE SUPREME COURT OF THE STATE OF NEVADA

BILLY REAVIS A/K/A BILLY RAY  
REAVIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43561

BILLY REAVIS A/K/A BILLY RAY  
REAVIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43562

**FILED**

**DEC 10 2004**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. In Docket No. 43561, appellant was convicted, pursuant to a guilty plea, of one count of possession of a stolen vehicle. The district court sentenced appellant to a prison term of 36 to 96 months. In Docket No. 43562, appellant was convicted, pursuant to a guilty plea, of one count of possession of a controlled substance. The district court sentenced appellant to a prison term of 18 to 48 months.

Appellant's sole contention is that the district court abused its discretion by refusing to grant probation. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> 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."<sup>2</sup> Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, the granting of probation is discretionary.<sup>5</sup>

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<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

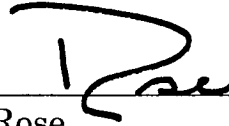
<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).


<sup>4</sup>See NRS 205.273(4); NRS 453.336(2)(b); NRS 193.130(2)(d).

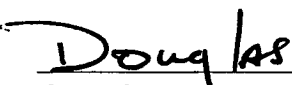
<sup>5</sup>See NRS 176A.100(1)(c).

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgments of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Steven R. Kosach, District Judge  
Washoe County Public Defender  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk