

IN THE SUPREME COURT OF THE STATE OF NEVADA

ORLANDO IGNATIUS BLACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43860

FILED

MAR 16 2005

ORDER OF AFFIRMANCE

ANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of gross misdemeanor conspiracy to commit the crime of failure to notify law enforcement of change of address as a sex offender. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Orlando Ignatius Black to serve a jail term of 12 months.

Black contends that the district court abused its discretion in refusing to sentence him to time served of 49 days. Black argues that the sentence imposed is too harsh in light of the minor nature of the crime and the fact that he was undergoing medical treatment out-of-state. Citing to the dissent in Tanksley v. State,¹ Black asks this court to review the sentence to see that justice was done. We conclude that Black's contention is without merit.

¹113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting).

This court has consistently afforded the district court wide discretion in its sentencing decision and 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.”² Regardless of its severity, 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 to the crime as to shock the conscience.³

In the instant case, Black does not allege that the district court relied on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statutes.⁴ Finally, the sentence imposed is not so unreasonably disproportionate to the crimes as to shock the conscience. Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

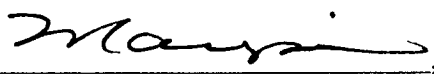
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

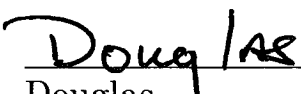
³Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

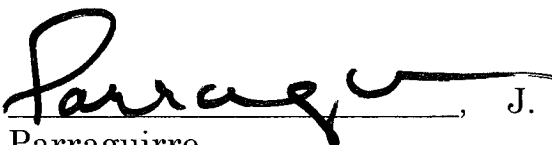
⁴See NRS 199.480(3); NRS 179D.550; NRS 193.140 (providing for a sentence of not more than 1 year in jail).

Having considered Black's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk