

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHERRY LEE ROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44441

**FILED**

JUN 16 2005

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of embezzlement. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. The district court sentenced appellant to a prison term of 19 to 60 months.

Appellant contends that the district court abused its discretion at sentencing. Specifically, appellant argues that the district court improperly based the sentence on appellant's exercise of her constitutional rights, the fact that appellant had not made restitution in a previous case, and the district judge's suspicion that appellant might have committed additional crimes. We disagree.

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>

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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).


In this case, the district court specifically found that a term of imprisonment was warranted in light of the fact that appellant committed the instant crime while she was awaiting sentencing on other embezzlement charges. Appellant has failed to demonstrate that the district court relied on any improper factors in determining the sentence.

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

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Hardesty

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