

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIA ANNE FRENCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45133

FILED

JAN 24 2006

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, entered pursuant to a guilty plea, of one count of possession of a document for the purpose of establishing a false identification or license. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. The district court sentenced appellant Julia Anne French to serve a prison term of 12 to 36 months.

French's sole contention is that the district court abused its discretion by imposing a sentence that was excessive in light of the facts that she presented at sentencing. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.¹ 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

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

accusations founded on facts supported only by impalpable or highly suspect evidence."² 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.³

In the instant case, French 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 by the district court was within the parameters provided by the relevant statutes,⁴ and that the granting of probation is discretionary.⁵ Moreover, prior to imposing sentence, the district court considered arguments from counsel, documents that French filed with the court, and French's allocution. 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).

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 205.465(3) (providing that a person who possesses a document for the purpose of establishing a false identity or license is guilty of a category E felony); NRS 193.130(2)(e) (prescribing a prison sentence of 1 to 4 years for a person convicted of a category E felony).

⁵See NRS 176A.100(1)(c).

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

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Connie J. Steinheimer, District Judge
Jenny Hubach
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk