

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE GREGORY SEEHORN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45231

**FILED**

OCT 04 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, entered pursuant to a guilty plea, of one count of coercion. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Lawrence Seehorn to serve a prison term of 24 to 60 months.

Seehorn's sole contention is that the district court abused its discretion by refusing to grant probation. We conclude that Seehorn'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,

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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).

and the sentence is not so unreasonably disproportionate to the crime as to shock the conscience.<sup>3</sup>

In the instant case, Seehorn 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 statute.<sup>4</sup> Moreover, the granting of probation is discretionary.<sup>5</sup>

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

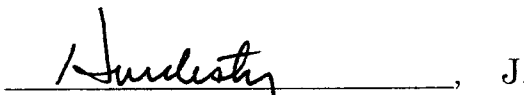
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_ J.

Maupin

  
\_\_\_\_\_ J.

Gibbons

  
\_\_\_\_\_ J.

Hardesty

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<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 207.190(2)(a) (where the immediate threat of physical force is used, coercion is a category B felony punishable by a prison term of one to six years).

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

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