

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY GEORGE MURROW A/K/A
GREGG MURROW A/K/A JOHN G.
FREDRICKSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45348

FILED

MAY 10 2006

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

GREGORY GEORGE MURROW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45352

GREGORY GEORGE MURROW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45353

GREGORY GEORGE MURROW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45354

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction entered pursuant to guilty pleas. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Pursuant to a plea agreement that encompassed three different cases, the district court deferred sentencing and released appellant Gregory George Murrow to participate in a Salvation Army program. However, the Salvation Army expelled Murrow from the

program because he had pneumonia, and Murrow was subsequently charged with another crime and entered a guilty plea in a fourth case.

The district court sentenced Murrow to serve prison term of 48 to 120 months in CR03-0153 for one count of possession of stolen property, a concurrent term of 24 to 60 months in CR03-0582 for one count of possession of stolen property, and a concurrent term of 48 to 120 months in CR03-2027 for one count of burglary. The district court further sentenced Murrow to a prison term of 48 to 120 months in CR04-1814 for one count of burglary, and it imposed this term to run consecutively to CR03-0153. This appeal follows.

Murrow's sole contention is that the district court abused its discretion by sentencing him to prison rather than placing him on probation. We conclude that Murrow'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 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 to the crime as to shock the conscience.³

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

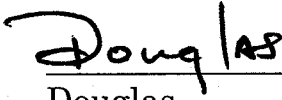
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).


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)).

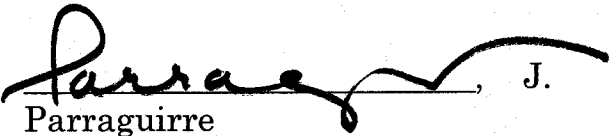
In the instant case, Murrow does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentences imposed are within the parameters provided by the relevant statutes.⁴ Moreover, the granting of probation is discretionary.⁵

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

ORDER the judgments of conviction AFFIRMED.⁶


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

⁴See NRS 193.130(2)(c) (a category C felony is punishable by a prison term of 1 to 5 years); NRS 205.060(2) (burglary is punishable by a prison term of 1 to 10 years); NRS 205.275(2)(b) (an offense involving property worth more than \$250 but less than \$2,500 is punishable as a category C felony); NRS 205.275(2)(c) (an offense involving property worth more than \$2,500 is punishable by a prison term of 1 to 10 years).

⁵See NRS 176A.100(1)(c).

⁶Because Murrow is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to Murrow unfiled all proper person documents he has submitted to this court in this matter.

cc: Hon. Steven R. Kosach, District Judge
Attorney General George Chanos/Carson City
Jenny Hubach
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Gregory George Murrow