

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES CHAPDELAINÉ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45660

JAMES CHAPDELAINÉ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45661

**FILED**

**JAN 12 2006**

ORDER OF AFFIRMANCE

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

These are consolidated appeals from judgments of conviction, pursuant to guilty pleas, of burglary, and attempted grand larceny of a vehicle. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Chapdelaine to serve a prison term of 22 to 96 months for burglary, and concurrent term of 12 to 36 months for attempted grand larceny of a vehicle.

Appellant's sole contention is that the district court abused its discretion by refusing to grant probation. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decisions.<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


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

suspect evidence."<sup>2</sup> 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.<sup>3</sup>

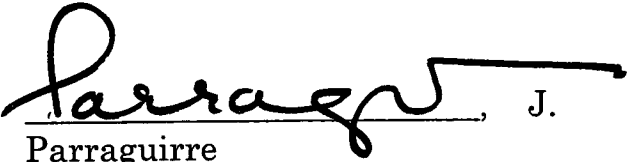
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, the granting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

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

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Parraguirre

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

<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 193.330; NRS 205.060(1); NRS 205.228.

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

cc: Hon. Steven P. Elliott, District Judge  
Washoe County Public Defender  
Attorney General George Chanos/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk