

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD PIERCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45822

FILED

MAR 24 2006

JANEYS M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony domestic battery. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Chad Pierce to serve a prison term of 16 to 42 months.

Pierce contends that the district court abused its discretion at sentencing by imposing a harsher sentence than the 12- to 30-month sentence recommended by the State pursuant to the plea agreement. We conclude that Pierce'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,

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).

and the sentence is not so unreasonably disproportionate as to shock the conscience.³

In the instant case, Pierce 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 was within the parameters provided by the relevant statutes.⁴

Having considered Pierce's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Michael V. Roth
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

³Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (citing Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

⁴See NRS 200.485(1)(c); NRS 193.130(2)(c) (providing for a prison sentence of 1 to 5 years).