

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE T. SIMON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46737

FILED

JAN 05 2007

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 pandering of a child. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. The district court sentenced appellant Terrance T. Simon to serve a prison term of 48 to 120 months.

Simon contends that he received a maximum prison sentence for a probationable offense as a result of judicial bias. Specifically, he claims that the district judge demonstrated her bias during the sentencing hearing when she compared the age of the victim with the ages of her own daughters and noted that her daughters were present in court before rendering her sentencing decision.

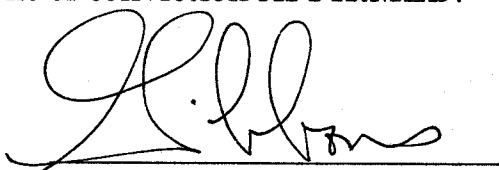
The "remarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence."¹ Moreover, this court has consistently

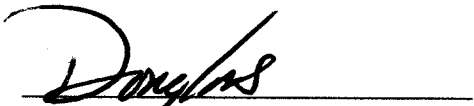
¹Cameron v. State, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

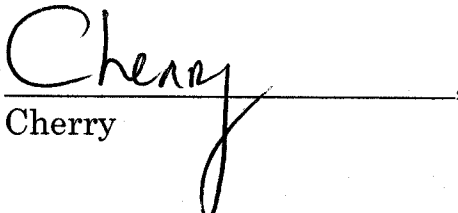
afforded the district court wide discretion in its sentencing decision.² This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."³

Nothing in the record indicates that the district court had any personal feelings of animosity toward Simon or relied on impalpable or highly suspect evidence when imposing the sentence. Accordingly, we conclude that Simon's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.⁴


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

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

³Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

⁴Because Simon 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, this court shall take no action and shall not consider the proper person documents Simon has submitted to this court in this matter.

cc: Hon. Jackie Glass, District Judge
Gregory L. Denué
Terrance T. Simon
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk