

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL A. FARMER-KIEFE A/K/A
DANIEL FARMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46770

FILED

JUN 29 2006

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to an Alford plea,¹ of one count of battery causing substantial bodily harm. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Daniel A. Farmer-Kiefe to serve a prison term of 24 to 60 months.

Farmer-Kiefe contends that the district court abused its discretion by imposing a sentence that amounted to cruel and unusual punishment. We disagree.

This court has consistently 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 Moreover, a sentence within the statutory limits is not

¹See North Carolina v. Alford, 400 U.S. 25 (1970).

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

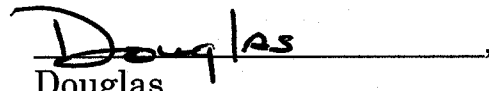
³Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

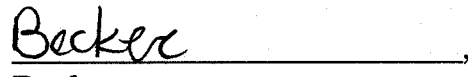
cruel and unusual punishment unless the statute itself is unconstitutional and the sentence is so unreasonably disproportionate as to shock the conscience.⁴

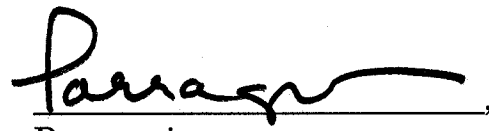
In the instant case, Farmer-Kiefe does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes,⁵ and that Farmer-Kiefe was informed of the potential penalties for his offense prior to entering his Alford plea.

Having considered Farmer-Kiefe's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

⁴Blume 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)).

⁵See NRS 200.481(2)(b) (battery not committed with a deadly weapon, but causing substantial bodily harm is a category C felony); NRS 193.130(2)(c) (a category C felony is punishable by a prison term of one to five years and a fine of not more than \$10,000.00).

cc: Hon. Sally L. Loehrer, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk