

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIE ANN BILLINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46892

FILED

AUG 14 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of possession of a credit card without the cardholder's consent and making, uttering, possessing with intent to utter a fictitious bill, note, or check. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge. The district court sentenced appellant Julie Ann Billington to serve two concurrent prison terms of 12 to 32 months.

Billington's sole contention is that the district court relied upon erroneous information when making its sentencing determination. Specifically, she points to the presentence investigation report (PSI), which incorrectly states that a category D felony is punishable by a prison term of 1 to 5 years.¹ We conclude that Billington's contention lacks merit.

¹See NRS 193.130(2)(d) (a category D felony is punishable by a prison term of 1 to 4 years).

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

Billington did not object to this PSI error during sentencing. Failure to raise an objection with the district court generally precludes appellate consideration of an issue.⁴ However, we may address an alleged error if it was plain and affected the appellant's substantial rights.⁵ Our review of the record reveals that Billington was informed of the correct punishment range for her offenses prior to sentencing and that the sentences imposed by the district court fall within that punishment range.⁶ Accordingly, we conclude that the district court's sentencing

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).

⁴See Rippo v. State, 113 Nev. 1239, 1259, 946 P.2d 1017, 1030 (1997).


⁵See NRS 178.602.

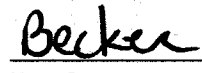
⁶See NRS 193.130(2)(d); NRS 205.090 (forgery is a category D felony); NRS 205.100(1) (a person making, uttering, or possessing with the intent to utter a fictitious, note, or check is guilty of forgery); NRS 205.690(2) (possession of a credit card without the cardholder's consent is a category D felony).

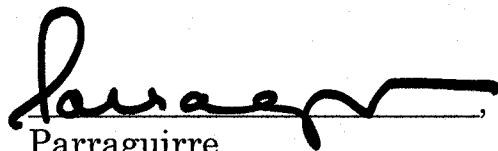
decision was not affected by the PSI error and that no plain error occurred.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Richard Wagner, District Judge
State Public Defender/Carson City
Attorney General George Chanos/Carson City
Humboldt County District Attorney
Humboldt County Clerk