

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY GLENN WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47217

TIMOTHY GLENN WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47218

FILED

AUG 04 2006

ORDER OF AFFIRMANCE

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

These are consolidated appeals from two separate judgments of conviction. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Pursuant to plea agreements in two different cases, the district court convicted appellant Timothy Glenn White of possession of a stolen motor vehicle and possession of a dangerous drug without a prescription. The district court sentenced White to serve a prison term of 24 to 60 months for possession of the stolen vehicle and a concurrent jail term of 12 months for possession of the dangerous drug. This consolidated appeal follows.

White contends that the district court abused its discretion by sentencing him to prison. He claims that the district court should have placed him on probation with conditions designed to help him overcome his addictions and address his mental health problems. We conclude that this contention lacks merit.

This court 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 A sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience."³

White does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Our review of the record reveals that the district court imposed sentences that fall within the parameters provided by the relevant statutes.⁴ And we note that a district court's grant of probation is discretionary.⁵

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).

³Blume 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)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

⁴See NRS 193.130(2)(c) (a category C felony is punishable by a prison term of 1 to 5 years); NRS 193.140 (a gross misdemeanor is punishable by a jail term of not more than 1 year); NRS 205.273(3) (possession of a stolen motor vehicle is a category C felony); NRS 454.316(1) (possession of a dangerous drug without a prescription is a gross misdemeanor).

⁵See NRS 176A.100(1)(c).

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

ORDER the judgments of conviction AFFIRMED.⁶

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

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

⁶Because White 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 White has submitted to this court in this matter.