IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY PUCHERT, AKA LARRY LEE PUCHERT,
Appellants,
  vs.
THE STATE OF NEVADA,
Respondent.

No. 48273

FILED

JAN 18 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of battery with a deadly weapon. Third Judicial District Court, Churchill County; David A. Huff, Judge. The district court sentenced appellant Larry Puchert to serve a prison term of 48 to 120 months and ordered him to pay $8,159.89 in restitution.

Puchert contends that the district court abused its discretion at sentencing when it failed to adequately consider his argument that the victim was the initial aggressor.

We have consistently afforded the district court wide discretion in its sentencing decision.[1] We 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]
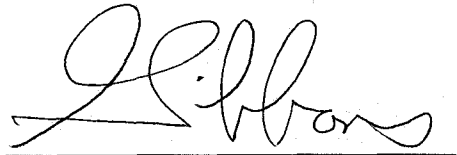

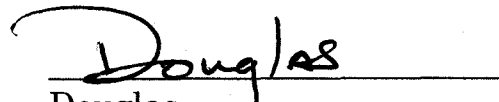[1]See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

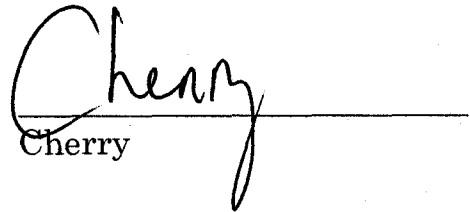[2]Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Puchert does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Our review of the record reveals that the district court imposed a sentence that fell within the parameters provided by the relevant statute.[3]

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

ORDER the judgment of conviction AFFIRMED.

_____, J.
Gibbons

_____, J.
Douglas

_____, J.
Cherry

cc: Hon. David A. Huff, District Judge
     Chet Kafchinski
     Attorney General Catherine Cortez Masto/Carson City
     Churchill County District Attorney
     Churchill County Clerk

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[3]See NRS 200.481(2)(e)(1) (a person who commits battery with a deadly weapon in which the victim does not sustain substantial bodily harm is guilty of a category B felony, which is punishable by a prison term of 2 to 10 years).