

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN BALBOA CRUZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48757

**FILED**

**MAY 29 2007**

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 a guilty plea, of one count of burglary. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. The district court sentenced appellant Martin Balboa Cruz to serve a prison term of 38 to 96 months and imposed the sentence to run concurrently with the sentence in another case. It further ordered Cruz to pay \$6,132.18 in restitution.

Cruz contends that the district court abused its discretion at sentencing by "ignoring [his] drug addiction" and "drain[ing] society's resources" by "warehouse[ing]" him in a prison for a few years. He claims that what the district court should have done was to impose a lengthy suspended sentence and place him in a strict, long-term, in-patient treatment facility.

We have consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> We will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate

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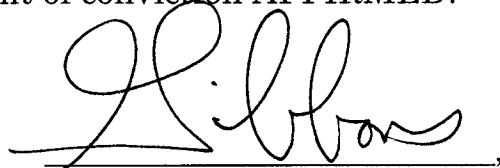
<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

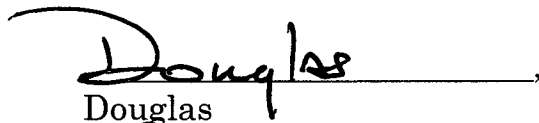
prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."<sup>2</sup>

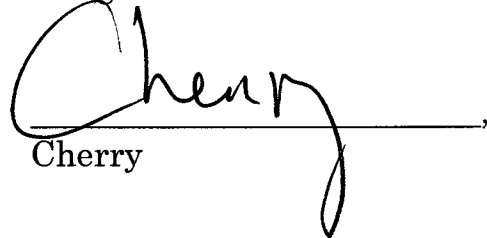
Cruz does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Our review of the record reveals that the district court imposed a sentence that fell within the parameters provided by the relevant statute.<sup>3</sup> Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

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<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

<sup>3</sup>See NRS 205.060(2) (burglary is punishable by a prison term of 1 to 10 years).

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk