


IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WILLIAM STANFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48965

FILED

JUN 27 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony driving under the influence. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Richard Stanford to a prison term of 19 to 72 months.

Stanford's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Stanford contends that the district court should have imposed the minimum sentence given the non-violent nature of the offense and the fact that he has completed several alcohol treatment programs. Citing to the dissents in Tanksley v. State¹ and Sims v. State,² Stanford contends that this court should review the sentence imposed by the district court. We conclude that Stanford's contention is without merit.

¹113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting).

²107 Nev. 438, 422, 814 P.2d 63 (1991) (Rose, J., dissenting).

This court has consistently afforded the district court wide discretion in its sentencing decision.³ 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."⁴ Moreover, regardless of its severity, 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."⁵

In the instant case, Stanford does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.⁶ Therefore, we conclude that the district court did not abuse its discretion at sentencing.

³See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).


⁴Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

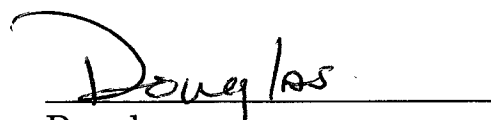
⁵Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

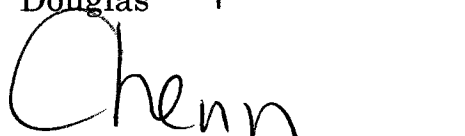
⁶See NRS 484.3792(1)(c) (providing for a prison term of not less than one year and not more than six years for a felony driving under the influence).

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

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