

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL L. JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49173

**FILED**

SEP 25 2007

MANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of forgery. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. The district court sentenced appellant Darryl Jackson to serve a prison term of 12 to 48 months, and it imposed the prison term to run concurrently with the sentences Jackson had received in other cases.

Jackson contends that the district court abused its discretion by sentencing him to the full term allowed by law "[i]n a case where there was no physical injury, simply the loss of money by a business." He asserts that the sentence constitutes cruel and unusual punishment. We disagree.

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 prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect

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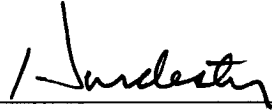
<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

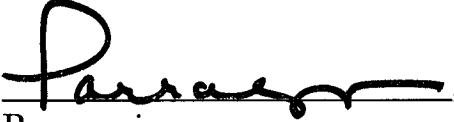
evidence."<sup>2</sup> A sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

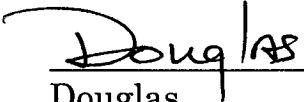
Jackson does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed falls within the parameters provided by the relevant statutes.<sup>4</sup> Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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

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

<sup>3</sup>Blume 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)).

<sup>4</sup>See NRS 205.090 (forgery is a category D felony); NRS 193.130(2)(d) (a category D felony is punishable by a prison term of 1 to 4 years).

cc: Hon. Jackie Glass, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk