

IN THE SUPREME COURT OF THE STATE OF NEVADA

DINA HELENE STUMPF,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49448

**FILED**

SEP 11 2007

JANETTE 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 attempted forgery. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Dina Helene Stumpf to serve a prison term of 12 to 48 months.

Stumpf contends that the district court abused its discretion at sentencing by incarcerating her in prison instead of placing her on probation with conditions tailored to address her methamphetamine addiction. She 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

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

07-20041

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."<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>

Stumpf 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> and that a grant of probation is discretionary.<sup>5</sup> Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

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

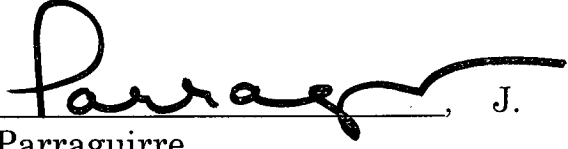
<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

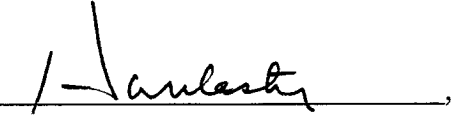
<sup>4</sup>See NRS 205.090 (forgery is a category D felony); NRS 193.330(1)(a)(5) (an attempt to commit a category D felony is punished as either a category E felony or as a gross misdemeanor); NRS 193.130(2)(e) (a category E felony is punishable by a prison term of 1 to 4 years).

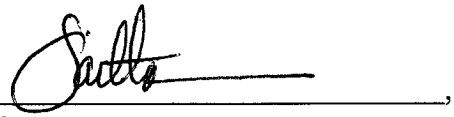
<sup>5</sup>See NRS 176A.100(1)(c).

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

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Stewart L. Bell, 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