

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ANTHONY YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49572

FILED

OCT 16 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 burglary. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. The district court sentenced appellant Joseph Anthony Young to serve a prison term of 36 to 108 months.

Young contends that the district court abused its discretion at sentencing "by ignoring [his] addiction and burdening society with an unnecessary drain on its resources." Young notes that he had an acceptance letter to the Salvation Army's six-month treatment program and he argues that the district court should have allowed him to attend the program prior to sentencing. Young requests a new sentencing hearing before a different judge.

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 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.³

Young 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 is within the parameters provided by the relevant statute,⁴ and that the granting of

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

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


³Blume 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)).


⁴See NRS 205.060(2) (burglary is punishable by a prison term of 1 to 10 years).

probation is discretionary.⁵ Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

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

⁵See NRS 176A.100(1)(c).