

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN MICHAEL THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49588

**FILED**

SEP 25 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *A. Alvarado*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of robbery. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant Shawn Michael Thomas to serve a prison term of 48 to 120 months, and it imposed the sentence to run consecutively to the sentence Thomas received in a companion case.

Thomas contends that the district court abused its discretion at sentencing by disregarding the joint sentencing recommendation of trial counsel and the State and, instead, following the sentencing recommendation of the Division of Parole and Probation. Thomas notes that the State informed the district court that concurrent sentencing was a major goal in the resolution of two companion cases, and he asks this court to remand this matter for a sentence modification that includes the "concurrent time" envisioned by the parties.

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 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>

Thomas does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. We note that the sentence imposed is within the parameters provided by the relevant statute<sup>4</sup> and that the district court

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


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

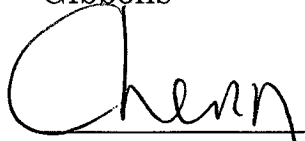
<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).


<sup>4</sup>See NRS 200.380(2) (robbery is punishable by a prison term of 2 to 15 years).

has discretion to impose consecutive sentences.<sup>5</sup> We conclude that Thomas's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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

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<sup>5</sup>See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).