IN THE SUPREME COURT OF THE STATE OF NEVADA

SHATANNA SHUNTAY WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51249

FILED

SEP 11 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of child neglect with substantial bodily harm, one count of child abuse with substantial bodily harm, and one count of child abuse. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Shatanna Shuntay Williams to serve three consecutive prison terms of 96-240 months and one consecutive term of 28-72 months, and to pay $953,120.25 in restitution.

Williams contends that her total sentence of 316-792 months is disproportionate to the crimes committed and constitutes cruel and unusual punishment. Williams argues that her sentence, as it presently stands, exceeds that of a first-degree murder sentence. Williams states that while her abusive conduct toward her codefendant's children deserves punishment, she did not intentionally try to kill the children, she has no prior criminal history, and she has never abused or neglected her own children.

The Eighth Amendment of the United States Constitution does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is grossly disproportionate to the

crime.[1] While the district court's discretion is not limitless,[2] this court has consistently afforded the district court wide discretion in its sentencing decision.[3] 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."[4] Despite its severity, 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 to the crime as to shock the conscience.[5]

Williams' sentence was within the statutory parameters,[6] and the district court had the authority and the discretion to impose the sentences consecutively.[7] Williams does not argue that the relevant statutes are unconstitutional or that the district court relied on impalpable or highly suspect evidence.

Moreover, at the sentencing hearing, the prosecutor described Williams' abuse and neglect of a nine-year-old boy and an eight-year-old

---

[1]Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion).

[2]Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000).

[3]Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987).

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

[5]Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004).

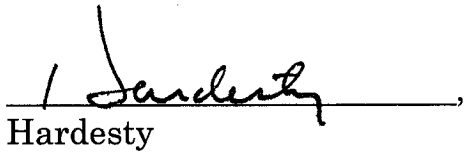
[6]NRS 200.508; NRS 193.130(1).

[7]NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967).

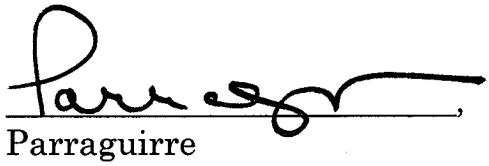
girl, who were the children of Williams' codefendant, with whom Williams was living. After hearing the evidence and viewing photographs of the children, the district court expressed outrage by the nature and severity of the abuse. Therefore, we conclude that Williams' sentence was not cruel and unusual punishment or unreasonably disproportionate to the crime, and that the district court did not abuse its discretion in sentencing.

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

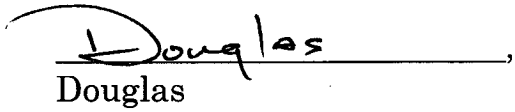
ORDER the judgment of conviction AFFIRMED.



_____, J.
Hardesty



_____, J.
Parraguirre



_____, J.
Douglas

cc: Hon. Stewart L. Bell, District Judge
Thomas A. Ericsson, Chtd.
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk