

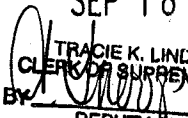
IN THE SUPREME COURT OF THE STATE OF NEVADA

JERROD MACK WESLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51257

FILED

SEP 18 2008

TRACIE K. LINDEMAN
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 battery with the use of a deadly weapon resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Jerrod Mack Wesley to serve a prison term of 62 to 156 months.

Wesley contends that the district court abused its discretion at sentencing by imposing a sentence that is disproportionate to the crime and that constitutes cruel and unusual punishment.

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

¹See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987).

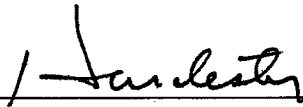
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

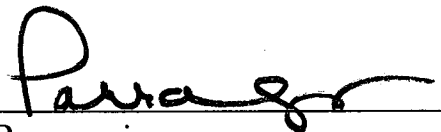
unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.³

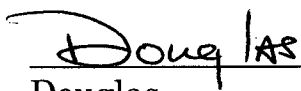
Wesley does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. We note that the sentence imposed falls within the parameters provided by the relevant statute,⁴ and we conclude that the district court did not abuse its discretion at sentencing.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996).

⁴See NRS 200.481(2)(e)(2) (a battery committed with the use of a deadly weapon and resulting in substantial bodily harm is punishable by a prison term of 24 to 180 months).

cc: Hon. Sally L. Loehrer, 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