


IN THE SUPREME COURT OF THE STATE OF NEVADA

HECTOR JIMINEZ A/K/A JUAN
BAUTISTA GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52207

FILED

MAY 04 2009
TRACIE L. 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 attempted lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Valerie Adair, Judge. The district court sentenced appellant Hector Jiminez to serve a prison term of 60 to 240 months.

Jiminez contends that the district court abused its discretion at sentencing. He specifically claims that “the district court judge sentenced [him] to a term of months which was the maximum sentence allowed by law. In a case where [he] immediately took responsibility for his act and pled guilty, the sentence imposed was an abuse of discretion and did amount to cruel and unusual punishment.”

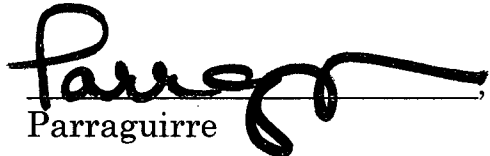
We have consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” Silks v.

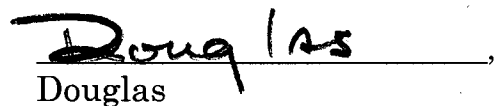
State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Regardless of its severity, a sentence that is within the statutory limits is not “cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.” 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)).

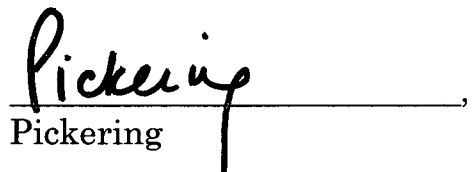
Here, Jiminez has not alleged that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statutes. See NRS 193.130(1); NRS 193.330(1)(a)(1); NRS 201.230(2). Accordingly, we conclude that Jiminez’ sentence does not constitute cruel and unusual punishment.

Having considered Jiminez’ contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Valerie Adair, 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