

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL D. GREEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52705

**FILED**

**JUN 22 2009**

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

ORDER OF AFFIRMANCE

This an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of convicted sex offender failure to register. Third Judicial District Court, Churchill County; David A. Huff, Judge. The district court sentenced appellant, Daniel D. Green, to serve a prison term of 19-48 months.

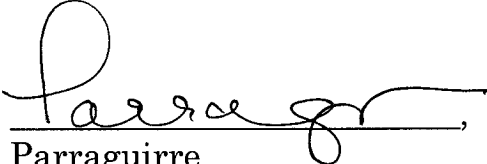
Green contends that the district court abused its discretion at sentencing. Specifically, Green claims that his sentence is “disproportional and dissimilar to any other sentence imposed for this crime.”

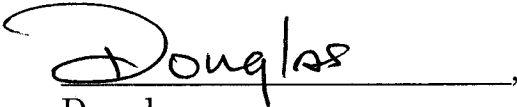
We have consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration 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). 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

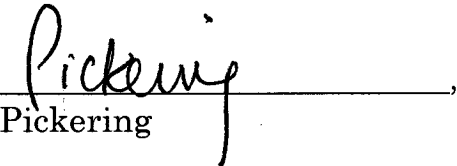
unreasonably disproportionate to the offense as to shock the conscience.”  
Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting  
Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

Here, Green 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 179D.550(1)(a); NRS 193.130(2)(d). Accordingly, we conclude that that the district court did not abuse its discretion in sentencing Green, and we

ORDER the judgment of conviction AFFIRMED.

  
Parraguirre, J.

  
Douglas, J.

  
Pickering, J.

cc: Hon. David A. Huff, District Judge  
Churchill County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Churchill County District Attorney  
Churchill County Clerk