

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUBULLA LAMAR DENNIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53222

FILED

AUG 25 2009

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 one count of coercion. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Jubulla Lamar Dennis to a prison term of 12 to 48 months.

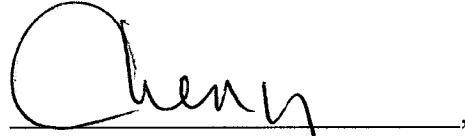
Dennis contends that the district court abused its discretion at sentencing. Specifically, Dennis asserts that because the district court did not follow the recommendation contained within the guilty plea agreement, the sentence imposed constitutes cruel and unusual punishment. We disagree.

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

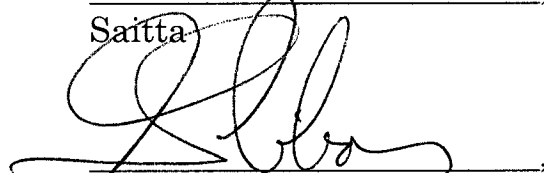
unreasonably disproportionate to the offense as to shock the conscience.”
Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting
Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

Here, Dennis has not alleged that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Our review of the record indicates that the district court based the sentencing determination on information contained within the presentence investigation report. Further, we note that the sentence imposed was within the parameters provided by the relevant statute. See NRS 207.190(2)(a). And the sentence imposed is not unreasonably disproportionate to the offense. Accordingly, we conclude that that the district court did not abuse its discretion in sentencing Dennis, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Bellon & Maningo, Ltd.
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk