

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHANCE TRAPPETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53879

FILED

OCT 27 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 attempted burglary. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge. The district court sentenced appellant Chance Trappett to a 24-to-60-month prison term, to be served consecutively to the sentence in another case.

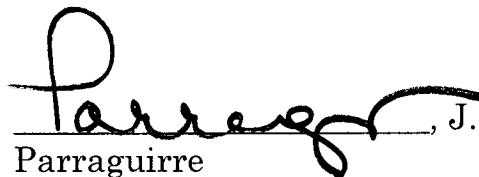
The sole issue raised on appeal is whether the district court abused its discretion by imposing an excessive sentence based on Trappett's criminal history and the court's perceived "ripple effect" that crimes like Trappett's have on small businesses.¹ We conclude that this claim lacks merit. The sentence imposed is within the statutory limits, albeit the maximum penalty for the offense. See NRS 205.060(2); NRS 193.330(1)(a)(3); NRS 193.130(2)(c). In determining the appropriate

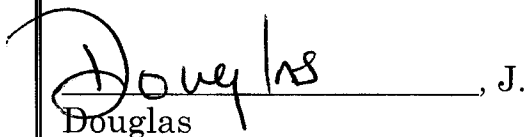
¹Trappett exited a liquor store without paying for bottles of liquor hidden in his pants. The State dropped a burglary charge in exchange for his guilty plea to attempted burglary. Although Trappett has not provided this court with a copy of the presentence report, the sentencing transcript indicates that he has numerous prior offenses and was on parole at the time of the instant offense.

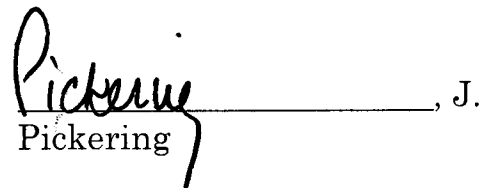
sentence within the statutory limits, the district court had discretion to consider Trappett's criminal history. See Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) ("Possession of the fullest information possible concerning a defendant's life and characteristics is essential to the sentencing judge's task of determining the type and extent of punishment."). And in imposing the sentence, the district court did not rely solely on impalpable or highly suspect evidence. See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we conclude that the district court did not abuse its discretion in determining the appropriate sentence. See Sims v. State, 107 Nev. 438, 440, 814 P.2d 63, 64 (1991) (observing that sentence of life without parole for grand larceny under habitual offender sentencing appeared "unduly harsh" based on the record but affirming the sentence because it "was lawful and presumably consonant with the judge's perceptions of [the defendant's] just deserts and the punitive attitude of the community in which the judge serves").

Having considered Trappett's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk