

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEBRA PATTON A/K/A DEBRA L.
PATTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54143

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 one count each of conspiracy to commit robbery and possession of stolen property. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant to serve a term of 18 to 60 months in the Nevada State Prison for conspiracy and a concurrent term of 12 to 48 months for possession.

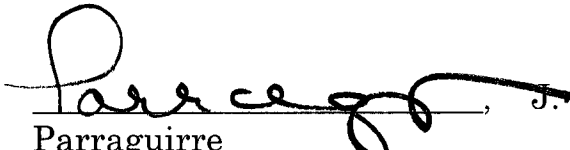
Appellant claims that her sentences constitute cruel and unusual punishment. We disagree.

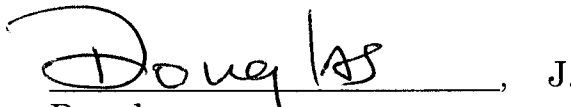
The Eighth Amendment of the United States Constitution does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is grossly disproportionate to the crime. Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). The district court's discretion, however, is not limitless. Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Nevertheless, we will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting

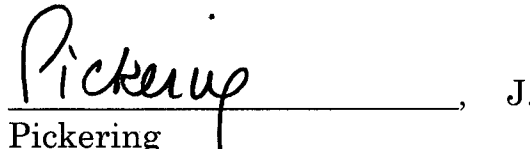
from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Despite its severity, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate to the crime as to shock the conscience. Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004).

Here, appellant does not allege that the relevant sentencing statutes are unconstitutional or that the district court relied on impalpable or highly suspect evidence. In fact, the sentences imposed by the district court were within the parameters provided by the relevant statutes. See NRS 199.480(1)(a); NRS 205.275(2)(c). Therefore, we conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Donald M. Mosley, 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