

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAUNTE LAMOUNT JONES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54352

**FILED**

JAN 07 2010

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 attempted second-degree kidnapping. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Daunte Lamount Jones to serve a prison term of 48-120 months.

Jones contends that the district court abused its discretion at sentencing because the record does not indicate that the district court read Jones' substance abuse evaluation prior to imposing his sentence and a sentence of probation and treatment would have been more appropriate.

The district court acknowledged that it had a copy of the evaluation at both of Jones' sentencing hearings and Jones has failed to demonstrate that the district court did not consider the report before imposing sentence. See NRS 176.015(2)(b). Further, the sentence imposed is within the statutory limits, see NRS 193.330(1)(a)(2), NRS 200.310(2), and NRS 200.330, and is not "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)). Finally, "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). Accordingly, we conclude that the district court did not abuse its discretion at sentencing, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Brent T. Adams, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk