IN THE SUPREME COURT OF THE STATE OF NEVADA

SHEILA JONES A/K/A SHEILA KATHERINE WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57788

FILED

JUL 14 2011

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 theft and attempted theft. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant Sheila Jones contends that her sentence of twenty-four to sixty months amounts to cruel and unusual punishment because "it is disproportionate to the crime of theft and it shocks the conscience." Jones relies primarily on the non-violent nature of her offense, the absence of prior convictions, and the Presentence Investigation Report's recommendation of probation. She also suggests that this error in sentencing is underscored by the district court's "misapprehension of the facts." We review a district court's sentencing determination for abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993).

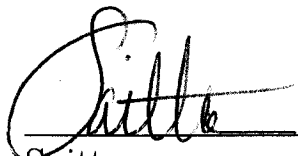
Jones has not challenged the constitutionality of the theft statute, the prison term and order of restitution are within the statutory limits, and the sentence is not "'so unreasonably disproportionate to the offense as to shock the conscience.'" See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)). In fact, despite stealing over half a

million dollars, Jones was sentenced to only half the maximum term of imprisonment permitted by the theft statute. See NRS 205.0835(4). Furthermore, the trial court is under no obligation to follow the recommendations of Parole and Probation. Collins v. State, 88 Nev. 168, 170-71, 494 P.2d 956, 957 (1972).

"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.'" Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004) (quoting Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976)). We have been presented with no such evidence. Jones' claim that the district court misapprehended the facts of her case is belied by the record. Jones' plea agreement explicitly adopts the amended indictment charging her with stealing $549,172.67 from the victim, an individual who obtained a loan to buy residential property in Clark County, Nevada. Therefore, we conclude that the district court did not abuse its discretion in sentencing Jones.

Having considered Jones' arguments and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.



_____, J.
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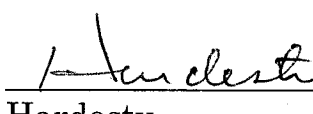

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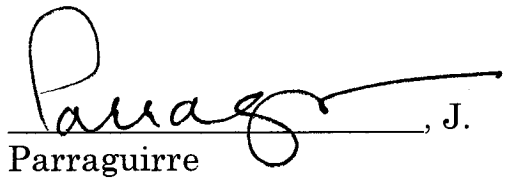

_____, J.
Parraguirre

cc: Hon. Stefany Miley, District Judge
The Almase Law Group LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk