

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT LEON WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58063

**FILED**

SEP 14 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of child abuse and neglect with substantial mental harm.<sup>1</sup> Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Albert Leon Williams contends that the district court abused its discretion at sentencing by imposing a disproportionate and unjust sentence on a gravely ill old man and failing to state its reasons for ordering such a harsh sentence.<sup>2</sup>

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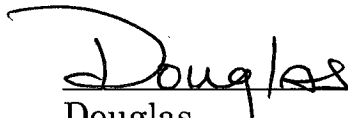
<sup>1</sup>Williams also challenges the district court order denying his motion to reconsider sentence. However, this challenge was addressed in Williams v. State, Docket No. 58485 (Order Dismissing Appeal, July 8, 2011), and will not be reconsidered here.


<sup>2</sup>We reject the State's assertion that NRS 177.015(4) statutorily bars this claim. See NRS 177.015(4) (a defendant may appeal a judgment entered pursuant to a guilty plea if "the appeal is based upon reasonable . . . grounds that challenge the legality of the proceedings"); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (claims appropriate on appeal from a judgment entered pursuant to a guilty plea include "a challenge to the sentence imposed on constitutional or other grounds"),

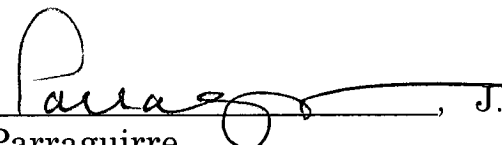
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Williams has not shown that the district court relied on impalpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statute is unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). We note that the 36- to 120-month sentence falls within the parameters of the relevant statute, see NRS 200.508(1)(a)(2), and the granting of probation is discretionary, see NRS 176A.100(1)(c); NRS 176A.110(1)(b). Further, Williams did not object below or ask the district court to explain its sentencing decision and he has not demonstrated that the district court's failure to do so constituted plain error. See NRS 178.602; Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 94-95 (2003). 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.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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*... continued*

overruled in part on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

cc: Hon. Michelle Leavitt, District Judge  
Terrence M. Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk