

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LEE ROBINSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59917

**FILED**

JUL 25 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

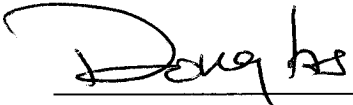
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of assault with a deadly weapon, battery with a deadly weapon, and ex-felon in possession of a firearm. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge. The district court sentenced appellant to serve a term of 24 to 72 months in prison for battery; a concurrent term of 13 to 48 months for assault; and a consecutive term of 12 to 36 months for possessing a firearm.


Appellant Gary Lee Robinson's sole contention on appeal is that the district court abused its discretion by sentencing him based on the recommendation of a supplemental presentence investigation report (PSI) instead of the original PSI. In reviewing the original PSI, the Department of Public Safety noticed that Robinson's combative nature and use of a weapon had not been considered. It also found that several victim impact statements had not been obtained. The supplemental report obtained the victim impact statements and changed the recommendation based upon the newly considered information. We conclude that appellant's contention is without merit.

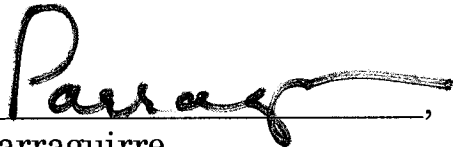
This court has consistently afforded the district court wide discretion in its sentencing decision. See, e.g., Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Appellant does not allege that the district court relied on impalpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), and the sentence imposed is within the parameters provided by the relevant statute, see NRS 200.481; NRS 200.471; NRS 202.360. And although appellant's sentence is significant, it is not "so unreasonably disproportionate to the offense as to shock the conscience." Blume, 112 Nev. at 475, 915 P.2d at 284 (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk