

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 35690

WILBERT JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

FILED

JUL 26 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. E. [Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of home invasion. The district court sentenced appellant to serve 12 to 60 months in prison.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Appellant relies on the dissent in Tanksley v. State, 113 Nev. 844, 944 P.2d 240 (1997), in support of the proposition that this court should review the sentence to determine whether justice was done. We conclude that appellant's contention is without merit.

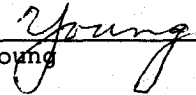
This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration 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). Moreover, "a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional." Griego v. State, 111 Nev. 444, 447, 893 P.2d

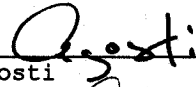
995, 997-98 (1995) (citing Lloyd v. State, 94 Nev. 167, 170, 576 P.2d 740, 742 (1978)).

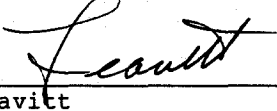
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute. See NRS 205.067(2) (providing for sentence of 1 to 10 years).

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

ORDER this appeal dismissed.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

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