

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTI LYN SCHUETTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67231

**FILED**

JUL 14 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of conspiracy to obtain money by false pretenses. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

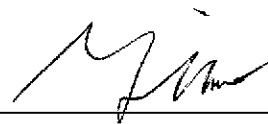
The district court sentenced appellant Christi Lyn Schuette to 364 days' imprisonment in the county jail. Schuette claims the court abused its discretion by refusing her request for a suspended sentence, probation, and "the opportunity to enter intensive therapeutic and substance abuse treatment programs." She asserts the court predetermined her sentence and failed to give due consideration to her recent successes and the personal support she had available.


The district court has wide discretion in its sentencing decision, which includes its decision to suspend a sentence and grant probation. See NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court "[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).


The district court imposed a sentence that falls within the parameters of the relevant statutes. See NRS 193.140; NRS 199.480(3). The record does not suggest the court's sentencing decision was based on impalpable or highly suspect evidence. And the record reveals the court rejected Schuette's request for probation because she had four felony convictions for property crimes and she had been "given numerous opportunities, including parole in specialty courts or treatment programs, and none of them have worked." Given this record, the district court did not abuse its sentencing discretion.

To the extent Schuette also claims her sentence constitutes cruel and unusual punishment, we conclude that her contention lacks merit. See *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion); *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (observing that "[a] sentence within the statutory limits is not cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience" (internal quotation marks omitted)).

Having concluded Schuette is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Elliott A. Sattler, District Judge  
Law Offices of Lyn E. Beggs, PLLC  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk