

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ROSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 36451

FILED

SEP 19 2000

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of fraudulent use of a credit card, one count of burglary, and one count of possession of stolen property. The district court sentenced appellant: for fraudulent use of a credit card, to a prison term of 12 to 48 months; for burglary, to a concurrent prison term of 48 to 120 months; and for possession of stolen property, to a concurrent prison term of 48 to 120 months.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh in light of the efforts appellant made toward rehabilitation prior to sentencing. 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 statutes are unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statutes. See NRS 205.760(2)(a); NRS 193.130(2)(d); NRS 205.060(2); NRS 205.275(c).

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

ORDER this appeal dismissed.

Young, J.
Young

Maupin, J.
Maupin

Becker, J.
Becker

cc: Hon. Janet J. Berry, District Judge
Attorney General
Washoe County District Attorney
Scott W. Edwards
Washoe County Clerk