

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN W. SCOTT,

No. 36499

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JAN 30 2001

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance. The district court sentenced appellant to a prison term of 12 to 48 months, to be served consecutively to appellant's sentence in an unrelated case.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. 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 453.336(2)(a); NRS 193.130(2).

Having considered appellant's contention and concluded that it is without merit, the judgment of conviction is affirmed.

It is so ORDERED.

<u>Young</u> Young	J.
<u>Rose</u> Rose	J.
<u>Becker</u> Becker	J.

cc: Hon. James W. Hardesty, District Judge
Attorney General
Washoe County District Attorney
Jack A. Alian
Ian E. Silverberg
Washoe County Clerk