

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARLAND RAYMOND FEREBEE,

No. 36832

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JAN 05 2001

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery. The district court sentenced appellant to serve 62 to 156 months in the Nevada State Prison.


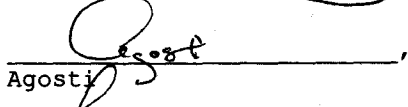
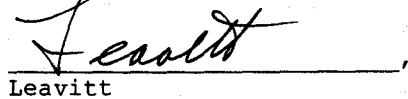
Appellant contends that the district court abused its discretion at sentencing because the sentence is too harsh and constitutes cruel and unusual punishment. We conclude that appellant's contention is without merit.

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 relevant statute is unconstitutional. We note that the sentence imposed was within the parameters provided by the relevant statute. See NRS 200.380. Further, appellant's contention that the district court improperly relied on suspect or highly impalpable evidence, specifically appellant's juvenile record, is without merit. NRS 62.360(2)(b) permits the use of appellant's juvenile record in preparation of the presentence report. Additionally, appellant never contested the reliability of the report. Therefore, we conclude appellant's argument is without merit.

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

It is so ORDERED.

 Shearing	J.
 Agosti	J.
 Leavitt	J.

cc: Hon. Jerome M. Polaha, District Judge
Attorney General
Washoe County District Attorney
M. Jerome Wright
Karla K. Butko
Washoe County Clerk