

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT GARY LINDSAY,

No. 37407

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

**MAY 08 2001**

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of uttering a forged instrument. The district court sentenced appellant to serve 12 to 34 months in prison and to pay a \$25.00 administrative assessment, \$500.00 in attorney fees, and \$100.00 in restitution.

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.<sup>1</sup> 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."<sup>2</sup> Moreover, "a sentence within the statutory limits

<sup>1</sup>See *Houk v. State*, 103 Nev. 659, 747 P.2d 1376 (1987).

<sup>2</sup>*Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

is not cruel and unusual punishment where the statute itself is constitutional."<sup>3</sup>

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.<sup>4</sup>

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

ORDER the judgment of conviction AFFIRMED.

Young, J.  
Young

Leavitt, J.  
Leavitt

Becker, J.  
Becker

cc: Hon. Steven R. Kosach, District Judge  
Attorney General  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe County Clerk

<sup>3</sup>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)).

<sup>4</sup>See NRS 205.090; NRS 205.110; NRS 193.130.