

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEOTIS LEE THOMPSON,

No. 37566

Appellant,

vs.

**FILED**

THE STATE OF NEVADA,

**MAY 30 2001**

Respondent.

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of trafficking in a controlled substance, one count of unlawful sale of a controlled substance, and one count of possession of a controlled substance for the purpose of sale. For purposes of sentencing, the district court merged the latter two counts into the trafficking count and sentenced appellant to a prison term of 24 to 72 months. Additionally, the district court ordered appellant to pay a \$5,000.00 fine.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Particularly, appellant contends that the sentence was too harsh in light of the fact that this was his first felony conviction. 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

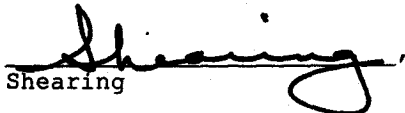
<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

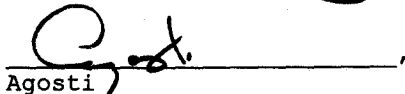
evidence."<sup>2</sup> Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

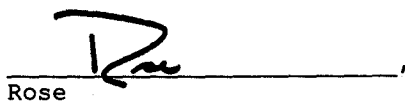
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.<sup>4</sup>

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

ORDER the judgment of conviction AFFIRMED.

  
Shearing J.

  
Agosti J.

  
Rose J.

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

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

<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (citing Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

<sup>4</sup>See NRS 453.3385(1).