

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETR NOSKOV,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83283-COA

FILED

FEB 09 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Elizabeth A. Brown
DEPUTY CLERK

ORDER OF AFFIRMANCE

Petr Noskov appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of attempted lewdness with a child under 14 years of age. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Noskov argues the district court abused its discretion by failing to consider “individualized circumstances in mitigation.” Noskov also appears to argue that his sentence amounts to cruel and unusual punishment. Noskov appears to support his claims by arguing that the district court failed to articulate Noskov’s mitigating circumstances or the rationale for denying Noskov a lesser sentence, including probation.

The district court has wide discretion in its sentencing decision, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), including in the granting of probation, *see* NRS 176A.100(1)(c). Generally, this court will not interfere with the sentence imposed by the district court “[s]o long

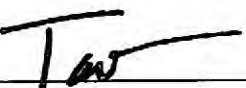
as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

Noskov was sentenced to concurrent terms of 96 to 240 months in prison. The sentence imposed is within the parameters provided by the relevant statutes, see NRS 193.330(1)(a)(1); NRS 201.230(2), and Noskov does not allege that those statutes are unconstitutional. Noskov also does not allege the district court relied on impalpable or highly suspect evidence. Further, the district court was not required to articulate its reasons for imposing a particular sentence. See *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). Having considered the sentence and the crime, we conclude the sentence imposed is not grossly

disproportionate to the crime, it does not constitute cruel and unusual punishment, and the district court did not abuse its discretion when imposing Noskov's sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk