

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH LEE CHAMBLIN,

No. 37778

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

**AUG 10 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 unlawful manufacture and/or possession of a majority of the ingredients to manufacture a controlled substance. The district court sentenced appellant to serve 36 to 90 months in prison.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh given that appellant confessed to his crime and cooperated with the State. Citing the dissent in Tanksley v. State,<sup>1</sup> appellant asks this court to review the sentence to see that justice was done. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>2</sup> Accordingly, we will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or

<sup>1</sup>113 Nev. 844, 944 P.2d 240 (1997).

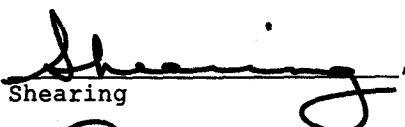


<sup>2</sup>See, e.g., Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

accusations founded on facts supported only by impalpable or highly suspect evidence."<sup>3</sup>

In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.<sup>4</sup> Moreover, we note that given the minimum sentence provided by NRS 453.322(2), the forty-percent rule imposed by NRS 193.130(1), and the statutory proscription against granting probation for the instant offense,<sup>5</sup> the district court imposed the lowest available sentence. Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

Having considered appellant's contention and concluded that it lacks 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  
M. Jerome Wright  
Washoe County Clerk

<sup>3</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

<sup>4</sup>See NRS 453.322(2) (providing for sentence of 3 to 15 years).

<sup>5</sup>NRS 453.322(3).