

IN THE SUPREME COURT OF THE STATE OF NEVADA

CONNIE MIXON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37860

FILED

JUL 18 2001

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a controlled substance. The district court sentenced appellant to serve 12 to 48 months in prison.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Citing the dissent in Tanksley v. State,¹ appellant asks this court to review the sentence to ensure that justice was achieved. In particular, appellant argues that, given his history of drug abuse, a probationary term with extensive treatment is a more appropriate sentence. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.² 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

¹113 Nev. 844, 944 P.2d 240 (1997) (Rose, J., dissenting).

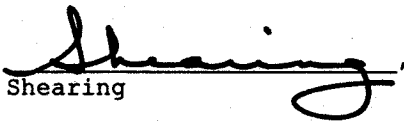
²See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).


accusations founded on facts supported only by impalpable or highly suspect evidence."³

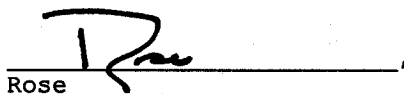
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.⁴ Moreover, the district court had discretion in deciding whether to grant probation,⁵ and appellant has not demonstrated that the district court abused that discretion.

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 P. Elliott, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk

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

⁴See NRS 453.336(2) (a); NRS 193.130(2) (e).

⁵See NRS 176A.100(1) (b).