

IN THE SUPREME COURT OF THE STATE OF NEVADA

QAWI ABDALLAH MUMIN A/K/A HERBERT
DALE HAYNES A/K/A HERBERT DELL
TAYLOR,

No. 37892

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

AUG 10 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [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 robbery and one count of larceny from the person not amounting to robbery. The district court sentenced appellant to a prison term of 26 to 120 months for robbery, and a consecutive prison term of 12 to 36 months for larceny.

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.¹ 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."² Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself

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

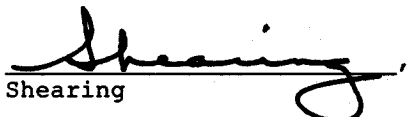
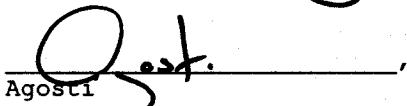
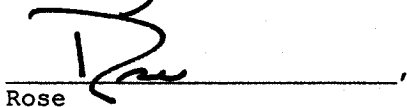
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.³

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.⁴

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. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Paul C. Giese
Washoe County Clerk

³Blume 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)).

⁴See NRS 200.380(2); NRS 205.270(1)(a); NRS 193.130(2)(c).