

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN MICHAEL FLETCHER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37994

FILED

MAY 15 2002

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of lewdness with a child under the age of 14 years. The district court sentenced appellant Steven Michael Fletcher to serve a life prison term with parole eligibility after 10 years.

Fletcher's sole contention is that the district court abused its discretion at sentencing in relying on vague and unsubstantiated allegations, written in several victim impact letters, that Fletcher may have molested other children and was emotionally abusive to his family. We conclude that Fletcher's contention lacks merit.

This court has stated that "[t]he sentencing judge has wide discretion in imposing a sentence, and that determination will not be overruled absent a showing of abuse of discretion. A sentencing court is privileged to consider facts and circumstances which would clearly not be

admissible at trial."¹ However, "this court will reverse a sentence if it is supported solely by impalpable and highly suspect evidence."²

Even assuming that the vague assertions in the victim impact letters were impalpable, we conclude that the district court's sentence is not supported solely by reliance on those references. In fact, the district court explained at sentencing that it would not give Fletcher probation, as he requested, because of the nature of his crime, namely, that it involved a vulnerable child victim whom society must protect. Moreover, there is no indication in the record that the district court relied on any of the assertions in the victim impact letters in imposing sentence.³ Finally, the sentence imposed was within the parameters provided by the relevant statute.⁴ Accordingly, the district court did not abuse its discretion at sentencing.

¹Todd v. State, 113 Nev. 18, 25, 931 P.2d 721, 725 (1997) (quoting Norwood v. State, 112 Nev. 438, 440, 915 P.2d 277, 278 (1996)).

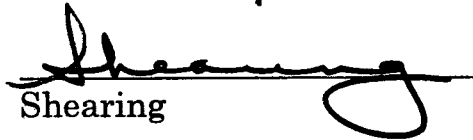
²Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) (quoting Renard v. State, 94 Nev. 368, 369, 580 P.2d 470, 471 (1978)); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

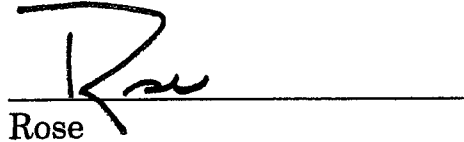
³Cf. Norwood, 112 Nev. at 439-40, 915 P.2d at 278 (district court abused discretion where court stated its belief, unsubstantiated by record, that appellant was gang member and leader and court imposed harsher sentence to send message to appellant and others like him); Goodson v. State, 98 Nev. 493, 495, 654 P.2d 1006, 1007 (1982) (district court abused discretion when it rejected defendant's denial of unsubstantiated allegations and imposed sentence based upon allegations).

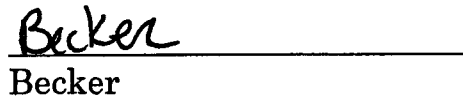
⁴See NRS 201.230.

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

ORDER the judgment of conviction AFFIRMED.


Shearing, J.


Rose, J.


Becker, J.

cc: Hon. William A. Maddox, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk