

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACY WILLIAM MAHON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38569

**FILED**

**DEC 14 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of obtaining and using the personal information of another for an unlawful purpose, a felony. The district court sentenced appellant Stacy Mahon to serve a term in the Nevada State Prison of 24 to 144 months.

Mahon's sole contention is that the district court abused its discretion by refusing to grant him probation. We conclude that Mahon's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> 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."<sup>2</sup> Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

In the instant case, Mahon does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant

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

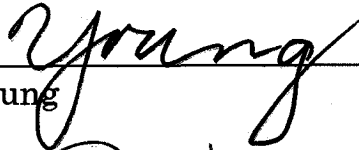
<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

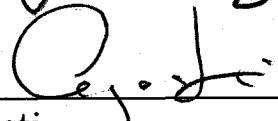
<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

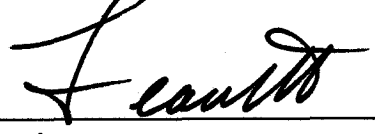
statute is unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, the granting of probation is discretionary.<sup>5</sup>

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Steven R. Kosach, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe County Clerk

---

<sup>4</sup>See NRS 205.463(1).

<sup>5</sup>See NRS 176A.100(1)(c).