IN THE SUPREME COURT OF THE STATE OF NEVADA

VENUS DANEAN CHILD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38824

FILED

OCT 29 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a controlled substance. The district court sentenced appellant to a prison term of 19 to 48 months, to run consecutively to appellant's sentence in an unrelated case.

Appellant's sole contention on appeal is that the district court abused its discretion by failing to grant probation and by sentencing appellant to a consecutive rather than a concurrent sentence. 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

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

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 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 is within the parameters provided by the relevant statutes.[4] Moreover, it is within the district court's discretion to impose consecutive sentences.[5] Finally, because appellant was on probation for a felony conviction at the time she committed the instant offense, the granting of probation was discretionary.[6]

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

[3]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)).

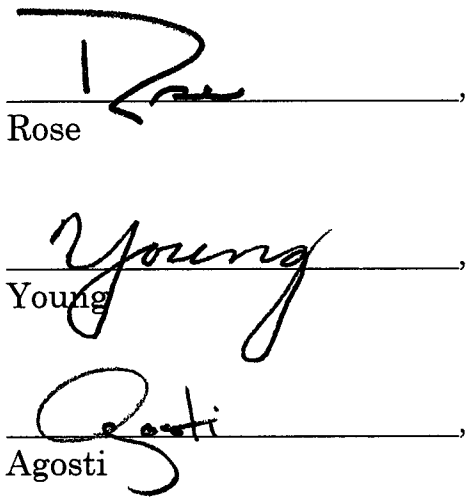
[4]See NRS 453.336(2)(a); NRS 193.130(2)(e).

[5]See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

[6]See NRS 176A.100(b)(1).

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

ORDER the judgment of conviction AFFIRMED.[7]



_____, J.
Rose

_____, J.
Young

_____, J.
Agosti

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[7]Although this court has elected to file the fast track statement submitted, it is noted that it does not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e); NRAP 32(a). Specifically, the fast track statement is single-spaced. Counsel is cautioned that failure to comply with the requirements for fast track statements in the future may result in the fast track statement being returned, unfiled, to be correctly prepared. See NRAP 32(c). Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).

cc: Hon. J. Michael Memeo, District Judge
Brian D. Green
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk