IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMI MARCIA LOUISE DONOVAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39669

FILED

AUG 21 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 felony count each of exploitation of a person 60 years of age or over and theft of $2,500.00 or more. The district court sentenced appellant Sami Marcia Louise Donovan to serve two consecutive prison terms of 96-240 months and 40-100 months, and ordered her to pay $165,589.00 in restitution; she was given credit for 103 days time served.

Donovan's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh and constitutes cruel and unusual punishment.[1] We conclude that Donovan's contention is without merit.

The Eighth Amendment of the United States Constitution does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is grossly disproportionate to the

[1]Donovan primarily relies on Solem v. Helm, 463 U.S. 277 (1983).

crime.[2] Further, this court has consistently afforded the district court wide discretion in its sentencing decision,[3] and 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."[4] 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.[5]

In the instant case, Donovan 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.[6] Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment.

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[2]Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion).

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

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

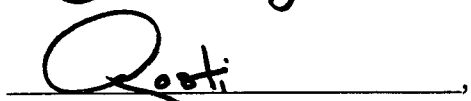
[5]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

[6]See NRS 200.5099(3)(c); NRS 205.0835(4).

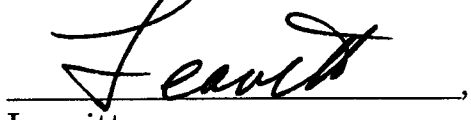
Therefore, having considered Donovan's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Young



_____, J.
Agosti



_____, J.
Leavitt

cc: Hon. Michael R. Griffin, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk