

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN FOWLER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39988

FILED  
NOV 11 2002

NOV 05 2002

ORDER OF AFFIRMANCE

CLERK OF SUPREME COURT  
*J. Richard*  
CLERK OF SUPREME COURT

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of child abuse causing substantial bodily harm. The district court sentenced appellant to two concurrent prison terms of 60 to 240 months. The district court further ordered appellant to pay restitution in the amount of \$4,990.00.

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.<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,

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

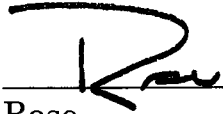
<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

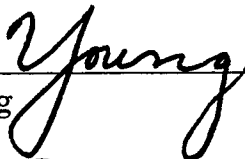
and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>


In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.<sup>4</sup>

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

ORDER the judgment of conviction AFFIRMED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Rose

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

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

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<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)).

<sup>4</sup>See NRS 200.508(1)(a)(2).

<sup>5</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. James W. Hardesty, District Judge  
Ryan Fowler  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk