

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL LEE MONDRAGON A/K/A
DANIEL BAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40032

FILED

OCT 29 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of concealing evidence of a felony, a gross misdemeanor in violation of NRS 199.220. The district court sentenced appellant Daniel Lee Mondragon to serve 1 year in the White Pine County Jail, ordered him to pay restitution in the amount of \$50.00, and gave him credit for 62 days time served.

Mondragon's sole contention is that the district court abused its discretion at sentencing. Mondragon argues that "the imposition of a maximum sentence is much too severe," and that a six month sentence would be sufficient. We disagree.

This court has consistently afforded the district court wide discretion in its sentencing decision,¹ and will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate

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

prejudice resulting from consideration of information or 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, Mondragon does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, the sentence imposed was within the parameters provided by the relevant statutes.⁴ We further note that the plea negotiations and sentence were entirely favorable for Mondragon considering that he was initially charged with burglary and petit larceny, and in his handwritten statement confessed to those crimes. Accordingly, we conclude that the sentence imposed is not too harsh, is not disproportionate to the crime, does not constitute cruel and unusual punishment, and that the district court did not abuse its discretion at sentencing.

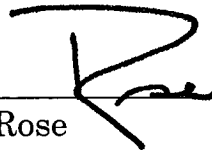
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

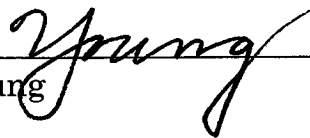
³Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

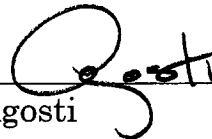
⁴See NRS 199.220; NRS 193.140.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Dan L. Papez, District Judge
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk