

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL JAMES GORDON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40635

FILED

APR 10 2003

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of grand larceny. The district court sentenced appellant Paul James Gordon to serve a prison term of 22 to 96 months.

Gordon contends that the district court abused its discretion by refusing to grant probation. He argues further that the district court abused its discretion by giving him the sentence recommended by the Division of Parole and Probation rather than the sentence argued for by the State. We conclude Gordon's contention is without merit. Gordon also asks this court to review his sentence according to the dissent in Tanksley v. State.<sup>1</sup> We decline to do so.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>2</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

<sup>1</sup>113 Nev. 844, 850, 944 P.2d 240, 244 (1997) (Rose, J., dissenting).

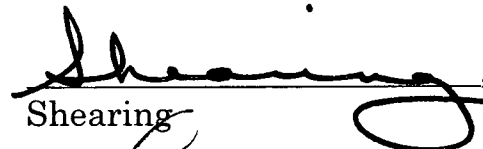
<sup>2</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).


suspect evidence."<sup>3</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>4</sup>


In the instant case, Gordon 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.<sup>5</sup> Moreover, the granting of probation is discretionary.<sup>6</sup>

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

ORDER the judgment of conviction AFFIRMED.

  
Shearing, J.

  
Leavitt, J.

  
Becker, J.

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<sup>3</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

<sup>4</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>5</sup>See NRS 205.220(1)(a), NRS 205.222, NRS 193.130.

<sup>6</sup>See NRS 176A.100(1)(c).

cc: Hon. Steven R. Kosach, District Judge  
Washoe County Public Defender  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk