IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURA PANAMA GOODWIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40985

FILED

FEB 25 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [signature]
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of robbery. The district court sentenced appellant to a prison term of 35 to 156 months.

Appellant first contends that her guilty plea was not voluntarily and knowingly entered, and is therefore invalid. However, this court has held that "a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding."[1] Because appellant raises her challenge to her guilty plea for the first time in this direct appeal, we will not address this issue.

Appellant contends that the sentence constitutes cruel and unusual punishment in violation of the United States and Nevada Constitutions because the sentence is so harsh. We disagree.

The Eighth Amendment does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is

[1] Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

grossly disproportionate to the crime.[2] Regardless of its severity, a sentence that is within the statutory limits is not "'cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.'"[3]

This court has consistently afforded the district court wide discretion in its sentencing decision.[4] 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."[5]

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.[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]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).

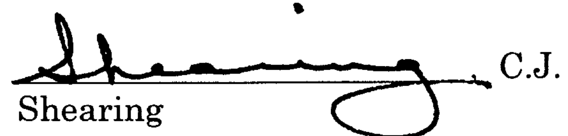
[4]See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

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

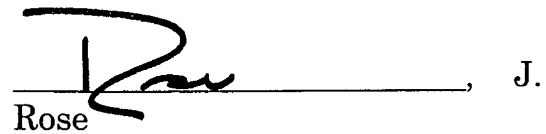
[6]See NRS 200.380(2).

Having considered appellant's contentions and concluded that they are either inappropriate for review on direct appeal or without merit, we

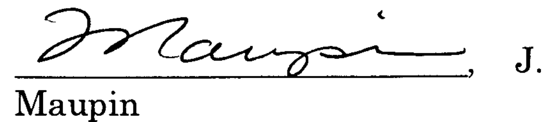
ORDER the judgment of conviction AFFIRMED.



_______________, C.J.
Shearing



_______________, J.
Rose



_______________, J.
Maupin

cc: Hon. Nancy M. Saitta, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Carson City
Attorney General Brian Sandoval/Las Vegas
Clark County District Attorney David J. Roger
Clark County Clerk