

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEVI MICHAEL CHAMBERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50400

FILED

APR 25 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony coercion. Second Judicial District Court, Washoe County; Norman C. Robison, Judge. The district court sentenced appellant Levi Chambers to a prison term of 24 to 72 months.

Chambers contends that the district court abused its discretion at sentencing and the sentence was excessive. Specifically, citing to the dissent in Tanksley v. State,¹ Chambers contends that the district court should have recognized Chambers' need for anger management treatment, suspended the sentence, and placed him on probation.

¹113 Nev. 844, 850, 944 P.2d 240, 244 (1997) (Rose, J., dissenting).

This court has consistently afforded the district court wide discretion in its sentencing decision.² 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.”³ Moreover, regardless of its severity, “[a] sentence 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.’”⁴

In the instant case, Chambers 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.⁵ Finally, we note that it is within the discretion of the district court to grant

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

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

⁴Blume 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).

⁵See NRS 207.190(2)(a).

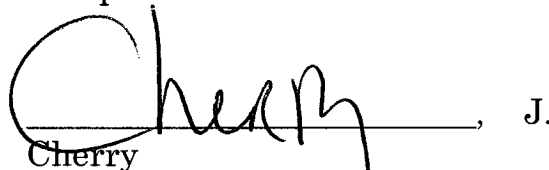
probation.⁶ Therefore, we conclude that the district court did not abuse its discretion at sentencing.

Having considered Chambers' contention and determined that it was without merit, we

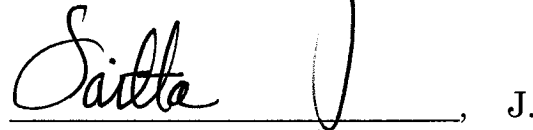
ORDER the judgment of conviction AFFIRMED.



Maupin



Cherry



Saitta

cc: Chief Judge, Second Judicial District
Hon. Norman C. Robison, Senior Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

⁶See NRS 176A.100(1)(c).