

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER EDWARD DOLAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72391

FILED

OCT 12 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Edward Dolan appeals from a judgment of conviction, pursuant to a no-contest plea, of one count of possession of a firearm by a felon. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Dolan contends the district court abused its discretion by not sentencing him to the shortest possible maximum term and placing him on probation and his sentence constitutes cruel and unusual punishment. The district court enjoys wide discretion in its sentencing decisions in general, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and in whether to grant probation in specific, *see NRS 176A.100(c)*. We will not interfere with the sentence imposed by the district court “[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.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). 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.’” *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)).

The sentence imposed is within the parameters provided by the relevant statute, *see* NRS 202.360(1), and Dolan does not allege the statute is unconstitutional. Dolan also does not allege the district court relied on impalpable or highly suspect evidence. We have considered the sentence and the crime, and we conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment and the district court did not abuse its discretion when imposing sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Alvin R. Kacin, District Judge  
Elko County Public Defender  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk