IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS AVERY VANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43678

FILED

APR 2 5 2005

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of lewdness with a child under the age of fourteen and two counts of statutory sexual seduction. Second Judicial District Court, Washoe County; James W. Hardesty, Judge. The district court sentenced appellant Curtis Vanderson to a prison term of life with the possibility of parole for lewdness and prison terms of 24 to 60 months for each count of statutory sexual seduction. The terms were imposed to run concurrently with one another.

Vanderson cites to the dissent in Tanksley v. State[1] and asks this court to review his sentence to see if justice was done. He claims that the district court should have sentenced him to a definite prison term of twenty years for the count of lewdness, instead of life with the possibility of parole. He argues that the more lenient sentence is justified because he

[1]113 Nev. 844, 850, 944 P.2d 240, 244 (1997) (Rose, J., dissenting).

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took responsibility for his offenses by entering guilty pleas and he was evaluated as a low risk to reoffend.

We have consistently afforded the district court wide discretion in its sentencing decisions, and we have refrained from interfering with the sentence imposed when "the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."[2] Regardless of its severity, 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 to the crime as to shock the conscience.[3]

Vanderson does not allege that the district court relied on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. The sentences imposed were within the parameters provided by the relevant statutes.[4] And the sentences were not so unreasonably disproportionate to the crimes as to shock the conscience: Vanderson admitted that he committed a lewd or lascivious act on a female child under the age of fourteen and that he twice committed acts of statutory sexual seduction on a female child under the age of sixteen.

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

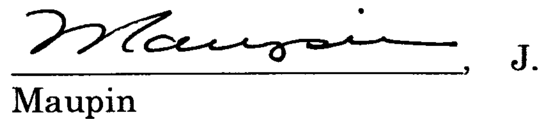
[3]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996).

[4]See NRS 201.230(2)(a); NRS 200.368; NRS 193.130(1)(c).

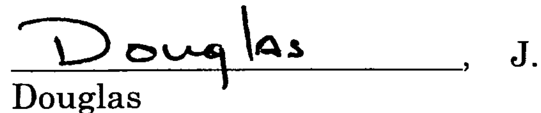
Accordingly, we conclude that the district court did not abuse its discretion when sentencing Vanderson.

Having considered Vanderson's contentions and concluded that they lack merit, we

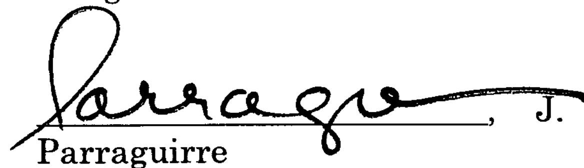
ORDER the judgment of the district court AFFIRMED.



_______________, J.
Maupin



_______________, J.
Douglas



_______________, J.
Parraguirre

cc: Second Judicial District Court, Dept. 9, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk