

IN THE SUPREME COURT OF THE STATE OF NEVADA


ROBERT O'NEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46203

FILED

MAR 16 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of destruction or injury to property. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. Appellant Robert O'Neal was sentenced to the Washoe County Jail for a term of 12 months, consecutive to the sentence imposed in another case.¹

O'Neal's sole issue on appeal is that the district court abused its discretion at sentencing by ordering a consecutive sentence. We conclude that appellant's contention is without merit.

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, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional,

¹CR05-0431.

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

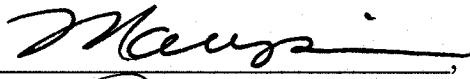
³Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

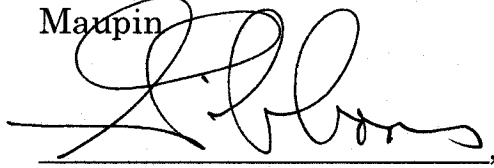
and the sentence is not so unreasonably disproportionate as to shock the conscience.⁴

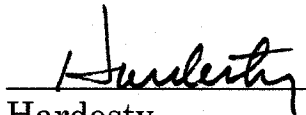
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.⁵ Finally, it is within the district court's discretion to impose consecutive sentences.⁶

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

⁴Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996).

⁵See NRS 206.310; 193.155(2); NRS 193.140.

⁶See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk