

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ANTHONY KANVICK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46225

FILED

JUN 29 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. R. R.*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of burglary. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Scott Kanvick to a prison term of 19-48 months, consecutive to Kanvick's sentence in another case.

Kanvick contends the district court considered inappropriate information when making its sentencing decision. He claims that the district court impermissibly relied on the victim's statements that she suspected that Kanvick broke into her car and stole things on a previous occasion, that she knew some of the women that he had "battered horribly and almost to death," and that he deserved to be in prison.

This court has consistently afforded the district court wide discretion in its sentencing decision.¹ 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."²

¹See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).


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

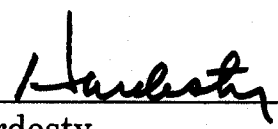
In the instant case, the victim testified at sentencing that she did not know for sure that Kanvick was the one who had previously broken into her car, and Kanvick admitted that he had previously been convicted of domestic battery. Additionally, evidence was presented at sentencing of Kanvick's lengthy criminal history. We therefore conclude that Kanvick has not demonstrated that the district court relied solely on palpable or highly suspect evidence. Moreover, it is within the district court's discretion to impose consecutive sentences.³ We further note that Kanvick did not challenge the constitutionality of the relevant statutes and that the sentence imposed by the district court is within the statutory limits.⁴

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin
 J.
Gibbons

 J.
Hardesty

³See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

⁴See NRS 205.060(1).

cc: Hon. Steven R. Kosach, District Judge
Jenny Hubach
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk