

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY BOYKIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46474

FILED

MAY 22 2006

[Signature]
MANUELA M. OLIVERIA
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of open or gross lewdness. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Appellant Anthony Boykin was sentenced to a prison term of 19-48 months, consecutive to all prior terms of incarceration. Boykin's sole issue on appeal is that his sentence constitutes cruel and unusual punishment. We conclude that Boykin's contention is without merit.

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 Moreover, regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless

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).


the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience."³

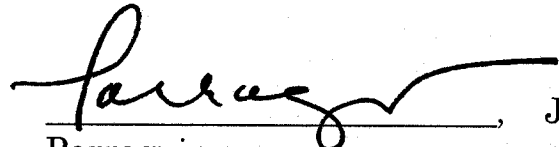
In the instant case, Boykin does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.⁴ Moreover, it is within the district court's discretion to impose consecutive sentences.⁵

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

³Blume 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).

⁴See NRS 201.210(1)(b); NRS 193.130(2)(d).

⁵See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Carson City
Attorney General George Chanos/Carson City
Attorney General George Chanos/Ely
White Pine County Clerk