

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE ADAM SWEET,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49908

JESSE ADAM SWEET,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49909

FILED

DEC 06 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY W. Alvarado
DEPUTY CLERK

These are appeals from judgments of conviction pursuant to guilty pleas.¹ Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. In Docket No. 49908, appellant Jesse Adam Sweet was convicted of one count each of grand larceny of a motor vehicle, assault with a deadly weapon, and eluding a police officer. The district court sentenced Sweet to serve concurrent prison terms of 22 to 96 months for the grand larceny count, 12 to 72 months for the assault count, and 12 to 72 months for the eluding a police officer count. In Docket No. 49909, Sweet was convicted of burglary. The district court sentenced Sweet to serve a prison term of 22 to 96 months to run consecutively to the sentences imposed in Docket No. 49908.

¹Pursuant to NRAP 3(b), we have elected to consolidate these appeals for disposition.

Sweet's sole contention is that the district court abused its discretion at sentencing because the sentences are too harsh. Specifically, he claims that the district court failed to consider his alcohol abuse and sentence him to concurrent terms so that he could benefit from the assistance of prison programs.

We conclude that Sweet'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, 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."⁴

In the instant case, Sweet 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 sentences

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).

⁴Blume 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).

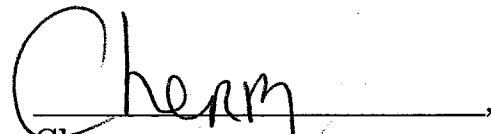
imposed were within the parameters provided by the relevant statutes.⁵ Moreover, it is within the district court's discretion to impose consecutive sentences.⁶

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


ORDER the judgments of conviction AFFIRMED.



Gibbons J.



Cherry J.



Saitta J.

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

⁵See NRS 205.228(3) (grand larceny is punishable by a prison term of 1 to 10 years); NRS 200.471(2)(b) (assault with a deadly weapon is punishable by a prison term of 1 to 6 years); NRS 484.348 (3)(b) (eluding a police officer is punishable by a prison term of 1 to 6 years); NRS 205.060 (2) (burglary is punishable by a prison term of 1 to 10 years).

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