

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS CRUZ PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34646

FILED

NOV 17 1999

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

CARLOS CRUZ PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

~~NOV 34647~~

ORDER DISMISSING APPEALS

Docket No. 34646 is an appeal from a judgment of conviction entered pursuant to a guilty plea of one count of possession of a controlled substance for sale. Appellant was sentenced to nineteen (19) to forty-eight (48) months in the Nevada State Prison. Docket No. 34647 is also an appeal from a judgment of conviction entered pursuant to a guilty plea of one count of possession of a controlled substance for sale. Appellant was again sentenced to nineteen (19) to forty-eight (48) months in the Nevada State Prison. The sentences were

imposed to run consecutively.¹ We have consolidated these appeals for disposition. NRAP 3(b).

Appellant's sole contention is that the district court abused its discretion by sentencing appellant to a consecutive rather than a concurrent sentence. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987). 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." Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Moreover, "a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional." Griego v. State, 111 Nev. 444, 447, 893 P.2d 995, 997-98 (1995) (citing Lloyd v. State, 94 Nev. 167, 170, 576 P.2d 740, 742 (1978)).

In the instant case, appellant 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

¹Appellant was also ordered in both cases to pay \$500.00 in attorneys' fees, along with the \$60.00 chemical analysis fees and the \$25.00 administrative assessment fees.

parameters provided by the relevant statutes. See NRS 453.337; NRS 193.130. Moreover, it is within the district court's discretion to impose consecutive sentences. See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

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

ORDER these appeals dismissed.

<u>Young</u> Young	J.
<u>Agosti</u> Agosti	J.
<u>Leavitt</u> Leavitt	J.

cc: Hon. James W. Hardesty, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk