

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY EDWARD NEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51569

JERRY EDWARD NEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51570

JERRY EDWARD NEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51571

FILED

JAN 14 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Younger
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are appeals from three separate judgments of conviction. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. We elect to consolidate these appeals for disposition purposes only. NRAP 3(b).

Pursuant to guilty pleas in three different cases, the district court convicted appellant Jerry Edward Neal of two counts of burglary and one count of uttering a forged instrument. The district court sentenced Neal to serve prison terms of 18 to 60 months for each of the burglary counts and 12 to 30 months for the forged instrument count. The district

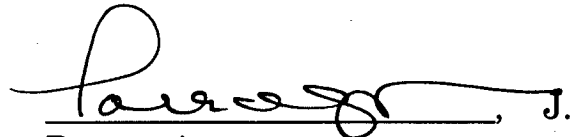
court imposed the sentences to run consecutively to each other and to Neal's sentence in a federal case.

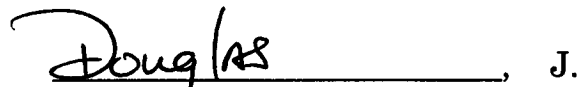
Neal contends that the district court abused its discretion at sentencing. Neal asserts that the district court clearly believed the statements that his wife and mother-in-law made to the effect that he "changed significantly with mental health counseling and medication and had become a productive, helpful member of the family and a good father to [his wife's] children." Neal observes that the district court stated "that what is truly important was keeping those children from ending up in prison like" he and his father did. Neal argues that the district court could have achieved this by imposing his sentences to run concurrently with the 21-month sentence he received in federal court, "so that he could continue with mental health counseling and get stabilized on medication again, and then return to his family while the children were still young and most needed the good guidance." Neal seeks resentencing before a different district judge.

We have consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We 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). A sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience. Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996).

Neal does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. We note that the sentences imposed are within the parameters provided by the relevant statutes. See NRS 193.130(2)(d); NRS 205.060(2); NRS 205.090; NRS 205.110. We also note that the district court has discretion to impose consecutive sentences. See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). We conclude that Neal's contention is without merit, and we

ORDER the judgments of conviction AFFIRMED.


Parraguirre


Douglas


Pickering

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