

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTOINE BOUSLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52660

FILED

MAY 12 2009

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count each of coercion (count 1), attempted sexual assault (count 2) and robbery (count 3). Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Antoine Bousley to serve a prison term of 19-48 months for count 1, a prison term of 60-150 months for count 2, and a prison term of 48-120 months for count 3. The district court imposed the sentences for counts 1 and 2 to run concurrently, and the sentence for count 3 to run consecutively to the sentences for counts 1 and 2.

Bousley contends that the district court abused its discretion at sentencing by ordering the sentence for count 3 to run consecutively to the sentences for counts 1 and 2. Bousley further contends that the sentences imposed constitute cruel and unusual punishment. We conclude these contentions lack merit.

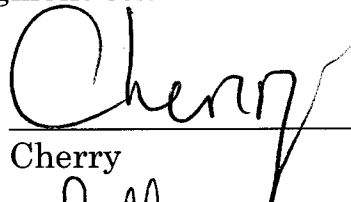
We have consistently afforded the district court wide discretion in its sentencing decisions. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on

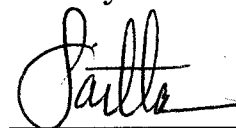
facts supported only by impalpable or highly suspect evidence.” Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). The district court has discretion to impose sentences to run either concurrently or consecutively. NRS 176.035(1). A sentence that is within the statutory limits is not “cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.” Blume 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)).

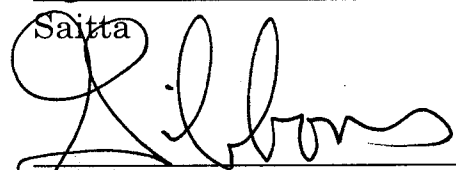
Here, Bousley has not alleged that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentences imposed were within the parameters provided by the relevant statutes. See NRS 193.330(1)(a)(1), 200.366(2), 200.380(2) and 207.190(2)(a). Accordingly, we conclude that the district court did not abuse its discretion and Bousley’s sentence does not constitute cruel and unusual punishment.

Having considered Bousley’s contentions and concluding that they lack merit, we

ORDER the judgment conviction AFFIRMED.


_____, J.


_____, J.


Saitta
_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk