

IN THE SUPREME COURT OF THE STATE OF NEVADA


SCOTT ANDREW LEWIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53603

**FILED**

**AUG 10 2009**

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of felony domestic battery and one count of gross misdemeanor battery on a peace officer. Sixth Judicial District Court, Pershing County; Michael Montero, Judge. The district court sentenced appellant Scott Andrew Lewis to serve a prison term of 24 to 60 months for the domestic battery and a consecutive jail term of 12 months for the battery on a peace officer.<sup>1</sup>

Lewis contends that the district court abused its discretion by imposing his sentences to run consecutively. Lewis acknowledges that

---

<sup>1</sup>Although we have elected to file the fast track statement submitted by Lewis, we note that it fails to comply with the requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e). Specifically, Lewis improperly submitted two documents—a “fast track statement” and “appellant’s opening brief”—and failed to follow the formatting required by NRAP Form 6. Counsel for Lewis is cautioned that failure to comply with the requirements for fast track statements in the future may result in the fast track statement being returned, unfiled, to be correctly prepared, and may also result in the imposition of sanctions. NRAP 3C(n).

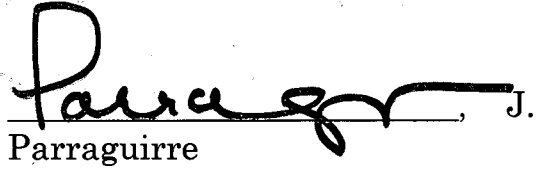
domestic battery is a serious offense, but claims that “the facts of the case and the charging document reveal that this was far less serious than the average domestic battery.” And Lewis argues that the imposition of consecutive sentences “constitutes cruel and unusual punishment in violation of the United States and Nevada constitutions because the sentence is disproportionate to the crime.”

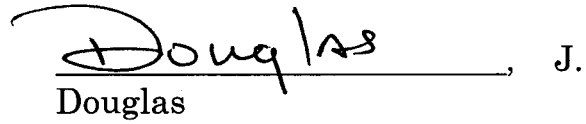
We have consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration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

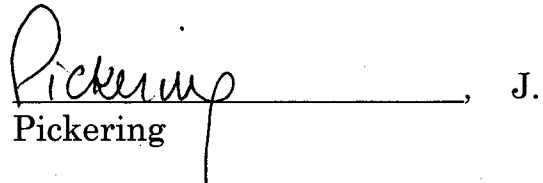
Lewis does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. The sentences imposed are within the parameters provided by the relevant statutes. See NRS 193.130(2)(c); NRS 193.140; NRS 200.481(2)(d); NRS 200.485(1)(c). The district court has discretion to impose consecutive sentences. See NRS 176.035(1). And the sentences are not so unreasonably disproportionate to the crimes as to shock the conscience—Lewis admitted to committing both batteries in this case and three domestic batteries within the past seven years. Accordingly, we

conclude that the district court did not abuse its discretion when sentencing Lewis, and we

ORDER the judgment of conviction AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Michael Montero, District Judge  
Pershing County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Pershing County District Attorney  
Pershing County Clerk