

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDMUND MARK JAKOPCHEK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54419

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY W. J. Goy
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of attempted sexual assault. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Edmund Mark Jakopchek contends that this court should review the sentence imposed and remand this matter to impose concurrent sentences. However, it is “presumptively improper for this court to superimpose its own views on sentences of incarceration lawfully pronounced by our sentencing judges,” Sims v. State, 107 Nev. 438, 440, 814 P.2d 63, 64 (1991), and this court will not disturb the district court’s sentencing determination absent a showing of an abuse of discretion, Ruvalcaba v. State, 122 Nev. 961, 963, 143 P.3d 468, 469-70 (2006). Further, Jakopchek has not alleged that the district court relied on impalpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). The 36 to 100 month sentences imposed are within the parameters of the relevant statutes, see NRS 193.330(1)(a)(1); NRS 200.366(2), and we

conclude that the district court did not abuse its discretion by imposing the sentences to run consecutively, NRS 176.035(1). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. James E. Wilson, District Judge
Hardy Law Group
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk