

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEE DAVIDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54931

FILED

FEB 03 2010

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

ORDER OF AFFIRMANCE

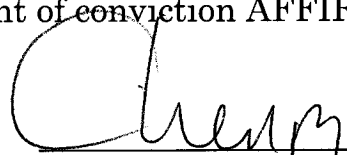
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count each of burglary and grand larceny. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


Davidson contends that the district court abused its discretion at sentencing by running the sentences consecutively and the sentences imposed constitute cruel and unusual punishment in violation of the Nevada Constitution, see Nev. Const. art. 1, § 6, because the victim was not home when the offense occurred and the victim was not physically injured.

We review the district court's sentencing determination for an abuse of discretion. Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Davidson has not alleged that the district court relied on palpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statute is unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). The 72 to 180 months sentences imposed are within the parameters of the relevant statute, see NRS 207.010(1)(a), and, in light of his five prior felony convictions, are not "so unreasonably disproportionate

to the offense as to shock the conscience,” see Blume, 112 Nev. at 475, 915 P.2d at 284 (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)). Further, it is within the district court’s discretion to impose sentences to run consecutively. NRS 176.035(1). Accordingly, we conclude Davidson has failed to demonstrate that the district court abused its discretion, or that the sentences imposed constitute cruel and unusual punishment, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk