

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD VELLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55658

FILED

SEP 10 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 jury verdict of one count each of theft and forgery. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

Appellant Richard Vella asserts that his consecutive sentences constitute cruel and unusual punishment because he had no prior felony convictions at the time of the offense and his prior offenses were non-violent.

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). Vella's consecutive sentences totaling 43-108 months are within the parameters provided by the relevant statutes. See NRS 205.0835(3), NRS 205.090, NRS 193.130(2)(c)-(d). Vella does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). The district court has discretion to impose consecutive sentences. See NRS 176.035(1). We conclude that the sentence imposed is not grossly disproportionate to the offense for the

purposes of the constitutional prohibitions against cruel and unusual punishment, see Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion), and we

ORDER the judgment of conviction AFFIRMED.

J. Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Jennifer Togliatti, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk