

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR EDWARD JAMES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55954

FILED

SEP 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Moody
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted sexual assault on a child. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Arthur Edward James, Jr., contends that the district court abused its discretion at sentencing by failing to give sufficient weight to the risk and psychosexual evaluations which found him to be a low risk to reoffend. This court will not disturb a district court's sentencing determination absent an abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). James has not demonstrated that the district court relied on impalpable or highly suspect evidence or alleged that the relevant sentencing statutes are unconstitutional. See Denson v. State, 112 Nev. 489, 492-93, 915 P.2d 284, 286-87 (1996); see also Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004). Further, James' sentence falls within the parameters provided by the relevant statutes. See NRS 200.366(3); NRS

193.330(1)(a)(1). Therefore, we conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk