

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW MIKEL KEARNEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55956

ANDREW MIKEL KEARNEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55959

ANDREW MIKEL KEARNEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55961

FILED

SEP 29 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingerson*  
DEPUTY CLERK

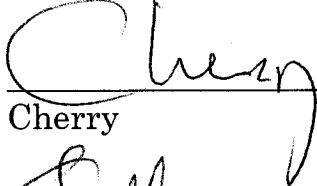
ORDER OF AFFIRMANCE


These are consolidated appeals from three separate judgments of conviction. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


Pursuant to guilty pleas in three different cases, the district court convicted appellant Andrew Mikel Kearney of two counts of possession of stolen property and one count of possession of a controlled substance. Kearney contends that the district court abused its discretion by following the sentencing recommendations of the prosecutor and Division of Parole and Probation instead of placing him in an inpatient Salvation Army treatment program as recommended by his defense counsel. Kearney has not shown 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), the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), or his sentences fall outside the parameters of the relevant statutes, see NRS 176.035(1); NRS 193.130(2)(c), (e); NRS 205.275(2)(b); NRS 453.336(2)(a). We conclude that the district court did not abuse its discretion at sentencing, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgments of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Patrick Flanagan, District Judge  
Washoe District Court Clerk  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe County Public Defender