

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 35148

JOKI DEON JONES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JAN 19 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a controlled substance for the purpose of sale. The district court sentenced appellant to twelve (12) to forty-eight (48) months in prison. The district court further ordered that appellant's sentence run consecutive to his sentence in another case.

Appellant's sole contention on appeal is that the district court abused its discretion by sentencing appellant to a consecutive rather than a concurrent sentence. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision. See *Houk v. State*, 103 Nev. 659, 747 P.2d 1376 (1987). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence. . . ." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Moreover, "a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional." *Griego v. State*, 111 Nev. 444,

447, 893 P.2d 995, 997-98 (1995) (citing Lloyd v. State, 94 Nev. 167, 170, 576 P.2d 740, 742 (1978)).

In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence, or that the relevant statutes are unconstitutional. The sentence imposed is within the parameters provided by the relevant statute. See NRS 453.337(2)(a); NRS 193.130(2)(d). Therefore, it is within the district court's discretion to impose consecutive sentences. See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

Having considered appellant's contention, and concluded that it is without merit, we

ORDER this appeal dismissed.

Young J.
Young

Agosti J.
Agosti

Leavitt J.
Leavitt

cc: Hon. Janet J. Berry, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk