

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT EUGENE WADLEIGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57750

**FILED**

JUL 14 2011

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 nolo contendere plea, of possession of a stolen motor vehicle. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

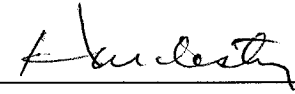
Appellant Robert Eugene Wadleigh contends that the district court abused its discretion by imposing a sentence greater than that recommended by the Division of Parole and Probation "for the sole purpose of offsetting credit for time previously served." We disagree.

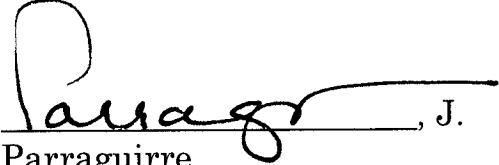
This court will not disturb a district court's sentencing determination absent an abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Wadleigh has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. See Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004); Denson v. State, 112 Nev. 489, 492-93, 915 P.2d 284, 286-87 (1996). Wadleigh's prison term of 24-60 months falls within the parameters provided by the relevant statutes, see NRS 205.273(3); NRS 193.130(2)(c), and is not "so unreasonably disproportionate to the offense as to shock the conscience," Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Therefore, we

conclude that the district court did not abuse its discretion at sentencing,  
and we

ORDER the judgment of conviction AFFIRMED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Humboldt County District Attorney  
Attorney General/Carson City  
Humboldt County Clerk