

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHADD EVERTT STUART,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59292

FILED

APR 12 2012

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted burglary and fraudulent use of a credit or debit card. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

Appellant Chadd Evertt Stuart contends that the district court abused its discretion by imposing a disproportionate sentence constituting cruel and/or unusual punishment because it imposed consecutive sentences. See U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. 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). Stuart has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Stuart's consecutive prison terms of 24-60 months and 18-48 months fall within the parameters provided by the relevant statutes, see NRS 205.060(2); NRS 205.760(1)(c); NRS 193.330(1)(a)(3); NRS 193.130(2)(c), (d); see also NRS 176.035(1), and the sentence is not "so unreasonably disproportionate to the offense[s] 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.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Chief Judge, The Eighth Judicial District Court
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk