

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRETT DANIEL BUSBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59623

FILED

JUN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of battery with the intent to commit robbery and domestic battery by strangulation. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Jerrett Daniel Busby contends that the district court abused its discretion by sentencing him to prison terms of 48 to 120 months and 24 to 60 months because these were the maximum prison terms allowable by statute and they were imposed to run consecutively. Busby 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 sentence falls outside the parameters of the relevant statutes, see NRS 193.130(2)(c); NRS 200.400(2); NRS 200.485(2). We note that the district court has discretion to run sentences consecutively, NRS 176.035(1), we conclude that the

district court did not abuse its discretion at sentencing, see Parrish v. State, 116 Nev. 982, 988-89, 12 P.3d 953, 957 (2000), and we

ORDER the judgment of conviction AFFIRMED.



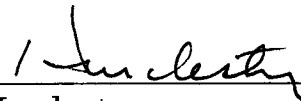
Saitta

J.



Pickering

J.



Hardesty

J.

cc: Hon. Brent T. Adams, District Judge
Marc Picker, Esq., Ltd.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk