

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOLOMON M. BROOKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60074

**FILED**

NOV 15 2012

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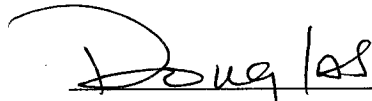
ORDER OF AFFIRMANCE


This is an appeal under NRAP 4(c) from a judgment of conviction, pursuant to a guilty plea, of battery with the use of a deadly weapon resulting in substantial bodily harm and attempted robbery. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

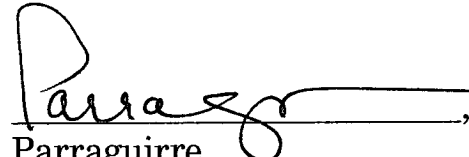
Appellant Solomon Brooks argues that the district court abused its discretion by sentencing him to consecutive terms and that his sentences constitute cruel and unusual punishment. We disagree. This court has consistently afforded the district court wide discretion in its sentencing decision, see, e.g., Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and it is within that discretion to impose consecutive sentences. See NRS 176.035(1); see also Warden v. Peters, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). Moreover, regardless of its severity, a sentence that is within the statutory limits is not “cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.” Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994). We conclude that the district court did not abuse its discretion in

sentencing Brooks within the guidelines and that the sentences are not grossly disproportionate to the offenses to which he pleaded guilty. NRS 193.330; NRS 200.380; NRS 200.481(2)(e). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. David B. Barker, District Judge  
Patti, Sgro & Lewis  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk