

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHANCE B. CARDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60746

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

ORDER OF AFFIRMANCE

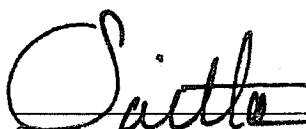
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of battery with use of a deadly weapon. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

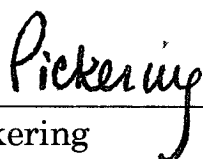
Appellant, Chance B. Carden, contends the district court abused its discretion by imposing a lengthy sentence that amounts to cruel and unusual punishment. Carden beat the victim with a baseball bat, causing the victim to lose consciousness and suffer significant injuries. The district court imposed the maximum term, 48 to 120 months, explaining that the sentence was based on Carden's prior history, which included three felonies, one gross misdemeanor, seventeen misdemeanors, one prison term, and thirteen jail terms.


We review the district court's sentencing determination for an abuse of discretion. Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Carden's sentence is within the parameters of the relevant statute, NRS 200.481(2)(e)(1), and he does not allege that the statute is unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), or the district court relied on impalpable or highly suspect evidence, see Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). The sentence imposed is not "so unreasonably disproportionate to the

offense as to shock the conscience.” Blume, 112 Nev. at 475, 915 P.2d at 284 (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)). Therefore, we conclude the sentence does not constitute cruel and unusual punishment and the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.¹


Saitta, J.


Pickering, J.


Hardesty, J.

cc: Hon. Kimberly A. Wanker, District Judge
Carl M. Joerger
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk

¹Although we filed the fast track statement and appendix submitted by Carden, they fail to comply with the Nevada Rules of Appellate Procedure. In his fast track statement, Carden fails to include a statement of facts. See NRAP 3C(e)(1)(B)(iii). Additionally, Carden’s appendix contains only a transcript of the sentencing hearing. See NRAP 3C(e)(2)(C); NRAP 30(b)(2). We also note that the State’s fast track response does not contain margins in compliance with NRAP 3C(h)(1) and NRAP 32(a)(4). Counsel for Carden and the State are cautioned that the failure to comply with the briefing and appendix requirements in the future may result in the imposition of sanctions. See NRAP 3C(n); Smith v. Emery, 109 Nev. 737, 743, 856 P.2d 1386, 1390 (1993).