

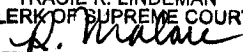
IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW JOSEPH KIESZKOWSKI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62664

**FILED**

JUL 22 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

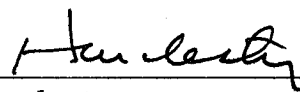
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. Tenth Judicial District Court, Churchill County; Thomas L. Stockard, Judge.

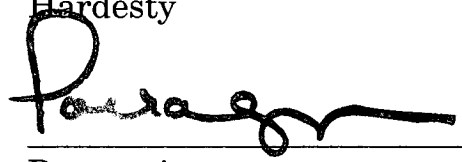
Appellant Andrew Joseph Kieszkowski requests that this court require district courts to articulate their reasoning on the record when imposing the maximum potential sentence for an offense. We decline to impose such a requirement at this time.

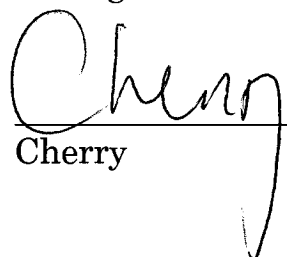
To the extent Kieszkowski contends that the district court abused its discretion by imposing a sentence constituting cruel and unusual punishment, we conclude this contention lacks merit. Kieszkowski's sentence of 28 to 72 months in prison is within the statutory limits, *see* NRS 453.3385(1), and he fails to demonstrate that it is so disproportionate to the crime "as to shock the conscience," *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (internal quotation marks omitted). Kieszkowski does not assert that the relevant statute is unconstitutional, *id.*, or that the district court relied on "impalpable or highly suspect evidence," *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment and the district court did not

abuse its discretion at sentencing, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Thomas L. Stockard, District Judge  
David Kalo Neidert  
Churchill County District Attorney/Fallon  
Attorney General/Carson City  
Churchill County Clerk