

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN BROCK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62759

FILED

OCT 17 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 sexually motivated coercion and possession of a firearm by a felon. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Appellant Shawn Brock contends that the district court abused its discretion at sentencing by imposing maximum consecutive sentences when he “had only previously been served prison sentences of 12-32 months,” constituting cruel and unusual punishment. We disagree.

We have 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). Here, the district court noted that Brock fit the definition of a “predator” and imposed consecutive 28-72 month sentences after considering the nature of the crime—which included forcing a woman to perform oral sex on him at gunpoint—and Brock’s prior criminal history. The sentences are within the parameters provided by the relevant statutes, *see* NRS 207.190; NRS 207.193(4); NRS 202.360(1), and Brock does not allege that those statutes are unconstitutional or 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). We do not believe

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that the punishment imposed is disproportionate to the crime, see *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion), and conclude that the district court did not abuse its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The fast track response submitted by the State does not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text is not double-spaced. Counsel for the State is cautioned that the failure to comply with the formatting requirements in the future may result in the imposition of sanctions. See NRAP 3C(n).