

IN THE SUPREME COURT OF THE STATE OF NEVADA

HANS ERIK AAERESKJOLD A/K/A  
HANS ERIK AARESJKJOLD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65305

**FILED**

**OCT 15 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree arson. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

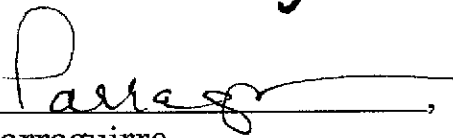
Appellant Hans Erik Aaereskjold contends that the district court abused its discretion at sentencing. Aaereskjold claims that the district court "had the obligation to inform counsel that he would not follow the stipulation at the time of the plea and that failure to do so rose to the level of cruel and unusual punishment." We disagree.

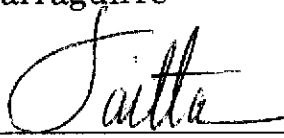
This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Aaereskjold offers no authority to support his claim that a district court is obligated to inform the parties at some point prior to sentencing if it intends to exercise its discretion and not follow the parties' negotiated sentencing recommendations. *See generally Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972) (a district court does not abuse its discretion by declining to follow sentencing recommendations). Aaereskjold has not alleged that the district court relied solely on impalpable or highly suspect evidence or that

the sentencing statutes are unconstitutional. *See Chavez v. State*, 125 Nev. 328, 347-48, 213 P.3d 476, 489-90 (2009). Aaereskjold's prison term of 60-180 months, ordered to run consecutively to the sentences imposed in four other cases, falls within the parameters provided by the relevant statute, *see* NRS 205.010(2); *see also* NRS 176.035(1), and is not so unreasonably disproportionate to the gravity of the offense as to shock the conscience, *see Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Michael Villani, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk