IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOREEN ANNETTE GEORGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74750-COA

ORDER OF AFFIRMANCE

Joreen Annette George appeals under NRAP 4(c) from a judgment of conviction entered pursuant to a guilty plea of burglary. First Judicial District Court, Carson City; James Todd Russell, Judge.

George argues the district court abused its discretion at sentencing by ordering her to serve the sentence for this case consecutively to a sentence for a different case. George contends her total time in prison is too long and she should have been permitted to serve the sentences concurrently because she has substance abuse issues, the ability to be a contributing member of society, family support, and a non-violent criminal history.

We review a district court's sentencing decision for an abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only

by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

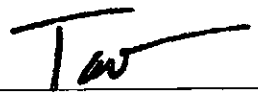
George's prison sentence of 28 to 72 months falls within the parameters of the relevant statute, *see* NRS 205.060(2), and George does not allege the district court relied upon impalpable or highly suspect evidence when it imposed the sentence. NRS 176.035(1) plainly gives the district court discretion to run subsequent sentences consecutively, *Pitmon v. State*, 131 Nev. 123, 129-30, 352 P.3d 655, 659-60 (Ct. App. 2015), and George fails to demonstrate the district court erred by exercising its discretion when it imposed consecutive terms. Based on the record before this court, we conclude the district court did not abuse its discretion when imposing sentence.

To the extent George argues her sentence constitutes cruel and unusual punishment, her claim lacks merit. Regardless of its severity, "[a] sentence 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 Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

As stated previously, the sentence imposed is within the parameters provided by the relevant statute, *see* NRS 205.060(2), and

George does not allege that statute is unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.



_____, J.
Tao

_____, J.
Gibbons

_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
John E. Malone
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk