

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN E. WARD,

No. 38183

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

OCT 12 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen vehicle (count I) and eluding an officer (count II). The district court sentenced appellant to a prison term of 48 to 120 months for count I and a consecutive prison term of 28 to 72 months for count II.

Appellant's sole contention is that the district court abused its discretion by sentencing appellant to a consecutive rather than a concurrent sentence. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> This court will refrain from interfering with the sentence imposed "[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."<sup>2</sup> Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

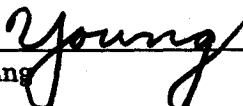
<sup>3</sup>Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).


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In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, it is within the district court's discretion to impose consecutive sentences.<sup>5</sup>

Having considered appellant's contention and concluding that it is without merit, we

ORDER the judgment of conviction AFFIRMED.<sup>6</sup>

  
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Young J.

  
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Agosti J.

  
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Leavitt J.

cc: Hon. Steve L. Dobrescu, District Judge  
Attorney General  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe County Clerk

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<sup>4</sup>See NRS 205.273(3); NRS 193.130; NRS 484.348(3)(b).

<sup>5</sup>See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

<sup>6</sup>We note that we have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.