IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDALL STEPHEN LITTLE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38250

FILED

NOV 01 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of five counts of possession of visual presentation depicting sexual conduct of a person under 16 years of age in violation of NRS 200.730. The district court sentenced appellant to serve five terms of 19 to 48 months in prison. The district court further ordered that appellant serve first three prison terms consecutively to each other and the other two prison terms concurrently with the first prison term. The district court also imposed a special sentence of lifetime supervision to commence upon appellant's release from any term of imprisonment or any period of release from parole.

Citing the dissent in Tanksley v. State,[1] appellant asks this court to review the sentence imposed to see that justice has been done. In particular, appellant asks this court to consider: (1) the favorable probation and treatment recommendation of Dr. William Davis, a psychologist who evaluated appellant; (2) appellant's lack of a significant criminal history; and (3) appellant's "sincere remorse" for committing the charged offenses. We conclude that appellant's contention lacks merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.[2] Accordingly, we will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or

[1]113 Nev. 997, 946 P.2d 148 (1997).

[2]See, e.g., Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

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accusations founded on facts supported only by impalpable or highly suspect evidence."[3] 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.[4]

In this case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute[5] and that the district court had discretion to impose the sentence concurrently with or consecutively to the sentence in the other case.[6] We conclude that appellant has not demonstrated that the district court abused its discretion in imposing three of the prison terms to be served consecutively.

Having considered appellant's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Shearing

_____, J.
Rose

_____, J.
Becker

cc: Hon. James W. Hardesty, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk

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[3]Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

[4]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996).

[5]See NRS 200.730(1) (providing for sentence of 1 to 6 years).

[6]See NRS 176.035(1).