



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC HASAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91582-COA

ORDER OF AFFIRMANCE

Cedric Hasan appeals from a judgment of conviction, entered pursuant to a guilty plea, of theft, two counts of burglary of a business, and malicious destruction of property. Eighth Judicial District Court, Clark County; Hon. Jessica K. Peterson, Judge.

Hasan argues that the district court abused its discretion by imposing an aggregate sentence of 8 to 20 years in prison and that his sentence amounts to cruel and unusual punishment because it is excessive and no one was physically injured by his crimes. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[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); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). 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).

The aggregate prison sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 193.155(1); NRS 205.060(2)(c); NRS 205.0835(2)(e); and Hasan does not allege that those statutes are unconstitutional. Hasan also does not allege the district court relied on impalpable or highly suspect evidence. We have considered the sentence and the crime, and we conclude the sentence imposed is not grossly disproportionate to the crime, it does not constitute cruel and unusual punishment, and the district court did not abuse its discretion when imposing sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Jessica K. Peterson, District Judge
Attorney General/Carson City
Clark County District Attorney
Nobles & Yanez Law Firm
Eighth Judicial District Court Clerk