IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANNON DEAN CARTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38787

FILED

DEC 19 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [signature]
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of first-degree kidnapping (Count III) and one count of statutory sexual seduction (Count V). The district court sentenced appellant Shannon Dean Carter to serve a term of life imprisonment with a minimum parole eligibility of five years for Count III and to serve a consecutive term of 24 to 60 months for Count V.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is excessive. Citing the dissent in Tanksley v. State,[1] appellant asks this court to review the sentence to ensure that justice has been done. 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 accusations founded on facts supported only by impalpable or highly

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[1]113 Nev. 844, 944 P. 2d 240 (1997).

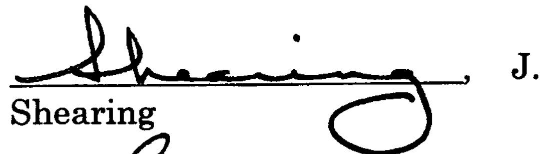
[2]See, e.g., Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

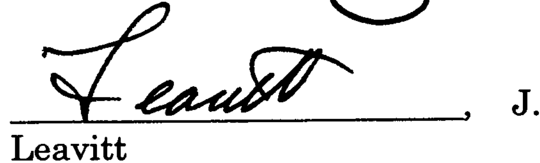
suspect evidence."[3] Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional and the sentence is not so unreasonably disproportionate as to shock the conscience.[4]

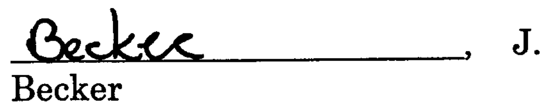
In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statutes. Appellant also has not demonstrated that the sentence is so grossly disproportionate to the offense as to shock the conscience.

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

ORDER the judgment of the district court AFFIRMED.


_______________, J.
Shearing


_______________, J.
Leavitt


_______________, J.
Becker

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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) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

cc: Hon. Janet J. Berry, District Judge
Attorney General/Carson City
Washoe County District Attorney
Paul Giese
Washoe District Court Clerk