

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 38788

FILED

JUL 29 2002

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of domestic battery and one count of second degree kidnapping with the use of a deadly weapon. The district court sentenced appellant: for domestic battery, to a prison term of 24 to 60 months; and for kidnapping, to a consecutive prison term of 72 to 180 months, with an equal and consecutive term for the use of a deadly weapon.

Appellant's sole contention on appeal 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.¹ 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."² Moreover, a sentence within the statutory limits is not

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

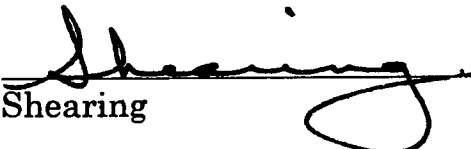
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

cruel and unusual punishment where the statutes themselves are constitutional, and the sentence is not so unreasonably disproportionate as to shock the conscience.³


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 sentences imposed are within the parameters provided by the relevant statutes.⁴ Moreover, it is within the district court's discretion to impose consecutive sentences.⁵

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


ORDER the judgment of conviction AFFIRMED.



Shearing J.



Rose J.



Becker J.

³Blume 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)).

⁴See NRS 200.485(1)(c); NRS 193.130(2)(c); NRS 200.310(2); NRS 193.130(2)(b); NRS 193.165(1).

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

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