

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS JEROME SLEEPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39262

FILED

MAY 09 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 felony domestic battery. The district court sentenced appellant Dennis Jerome Sleeper to serve a prison term of 24 to 60 months to run consecutively to a sentence imposed in another case.

Sleeper contends that the district court abused its discretion by sentencing him to a consecutive rather than a concurrent sentence. Additionally, Sleeper contends that "by simply imposing the sentence sought by the State, [the district court] essentially abdicated [its] sentencing discretion to that entity." We conclude that Sleeper's contentions are 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

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

accusations founded on facts supported only by impalpable or highly suspect evidence."² Moreover, a sentence within the statutory limits is not 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, Sleeper 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.⁴ Moreover, it is within the district court's discretion to impose consecutive sentences.⁵ Finally, we note that, in sentencing Sleeper, the district court did not abdicate its discretion. The record reveals that the district court based its sentencing decision on Sleeper's prior criminal history, explaining:

But, Mr. Sleeper, your record is horrible. . . .
You've been in the system and in the system and
in the system. You need to understand two things:
You do this kind of stuff, and you'll be punished.

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

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).

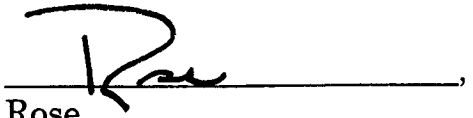
⁵See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).


Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

Having considered Sleeper's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Connie J. Steinheimer, District Judge
Dennis Jerome Sleeper
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk