

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEREK MEADE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39814

DEREK MEADE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39815

FILED

SEP 13 2002

ORDER OF AFFIRMANCE

CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

These are consolidated appeals from judgments of conviction, pursuant to guilty pleas, of two felony counts of burglary. The district court sentenced appellant Derek Meade to serve two consecutive prison terms of 22-96 months and 48-120 months, and ordered him to pay restitution in the amount of \$162.35.

Meade's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Citing to the dissent in Tanksley v. State¹ for support, Meade argues that this court should review the sentence imposed by the district court to determine whether justice was done. We conclude that Meade's contention is without merit.

¹113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting).

This court has consistently afforded the district court wide discretion in its sentencing decision.² 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.”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, Meade cannot demonstrate that the district court relied only on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. Further, we note that (1) Meade’s significant criminal history includes numerous arrests and convictions, and a revoked term of probation, (2) the sentence imposed was within the parameters provided by the relevant statute,⁵ and (3) the imposition of consecutive sentences is within the discretion of the district court.⁶ Therefore, we conclude that the district court did not abuse its discretion at sentencing.

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

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

⁴Blume 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)).

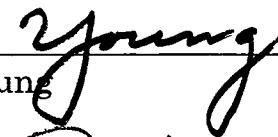
⁵See NRS 205.060(2).

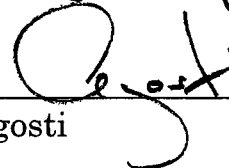
⁶See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

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

ORDER the judgments of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk