

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER VASSAUR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39935

FILED

JAN 6 6 2009

ORDER OF AFFIRMANCE

WILLIAM L. BUCK  
CLERK OF SUPREME COURT  
J. Richards  
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of offering, attempting, or committing an unauthorized act relating to a controlled substance, and one count of trafficking in a controlled substance. The district court sentenced appellant Jennifer Vassaur to serve two consecutive terms of 12 to 36 months in the Nevada State Prison.

Vassaur's sole contention on appeal is that the district court abused its discretion at sentencing by ordering her sentences to run consecutively instead of concurrently. She points out particularly that she is a mother of small children, has acknowledged her drug problem which led to the offenses, and has not committed a violent crime or used any weapons. We conclude that Vassaur's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> 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

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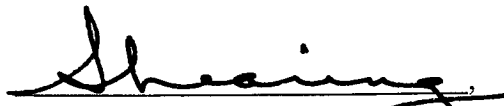
<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

suspect evidence."<sup>2</sup> 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.<sup>3</sup>


In the instant case, Vassaur 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.<sup>4</sup> Moreover, it is within the district court's discretion to impose consecutive sentences.<sup>5</sup>

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

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

<sup>3</sup>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)).

<sup>4</sup>See NRS 453.321(2)(a), NRS 453.3385(1).

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

cc: Hon. Robert E. Estes, District Judge  
Carl E. Anderson  
Attorney General/Carson City  
Churchill County District Attorney  
Churchill County Clerk