IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAA ANTHONY CINQUE, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 42123
JAMAA ANTHONY CINQUE, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 42125

FILED

FEB 25 2004

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

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction, pursuant to guilty pleas. In Docket No. 42123, appellant was convicted of three counts of burglary. The district court sentenced appellant to a prison term of 48 to 120 months for each count. The district court ordered two of the counts to run consecutively and one to run concurrently. In Docket No. 42125, appellant was convicted of one count of burglary. Appellant was adjudicated a habitual criminal, and the district court sentenced appellant to a prison term of 5 to 20 years. In adjudicating appellant a habitual criminal, the district court found that appellant had been convicted of 13 prior felonies.

Appellant's sole contention is that the district court abused its discretion at sentencing because the sentence is too harsh. Specifically,

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appellant argues that drug treatment would have been a better option. 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 cruel and unusual punishment where the statute itself is 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 were within the parameters provided by the relevant statutes.[4]

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

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

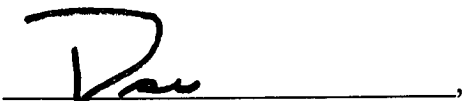
[3]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)).

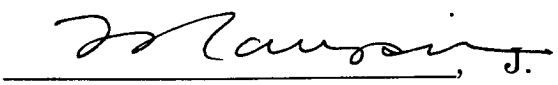
[4]See NRS 205.060(2); NRS 207.010(1)(a).

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

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Shearing


_____, J.
Rose


_____, J.
Maupin

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk