

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ROBERT HUFFMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42143

FILED

APR 07 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of uttering a forged instrument. The district court sentenced appellant James Robert Huffman to serve a prison term of 19 to 48 months to run consecutively to the sentence imposed in an unrelated Utah case.

Huffman's sole contention on appeal is that the district court abused its discretion in imposing the sentence to run consecutively. Relying on Hughes v. State, Huffman argues that the district court abused its discretion by failing to make particularized findings on the record at the sentencing proceeding explaining its justification for imposing the sentence to run consecutively.¹ We conclude that Huffman's contention lacks merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.² This court will refrain from

¹116 Nev. 327, 333, 996 P.2d 890, 893 (2000) (noting that "Nevada law requires a sentencing court to exercise its discretion and weigh the appropriate factors for and against the habitual criminal statute before adjudicating a person as a habitual criminal").

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

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 to the charged offense as to shock the conscience.⁴

In the instant case, Huffman 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 was within the parameters provided by the relevant statutes.⁵ Moreover, it is within the district court's discretion to impose consecutive sentences.⁶ Finally, we note that even assuming our holding in Hughes regarding habitual criminal adjudication applied more generally to all sentencing decisions, this court has never required that the district court make particularized findings about its justification for the sentence imposed.⁷ Accordingly, we conclude that the district court did not abuse its discretion at sentencing.

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

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 205.110; NRS 205.090; NRS 193.130(2)(d) (providing for a prison term of 1 to 4 years).

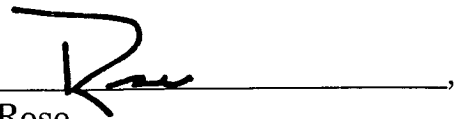
⁶See NRS 176.045(1).


⁷Hughes, 116 Nev. at 333, 996 P.2d at 893.

Having considered Huffman's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. J. Michael Memeo, District Judge
Elko County Public Defender
Attorney General Brian Sandoval/Carson City
Elko County District Attorney
Elko County Clerk