

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEOFFREY LEE GROVE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56159

**FILED**

**FEB 09 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit robbery, burglary while in possession of a firearm, robbery with the use of a deadly weapon, first-degree kidnapping with the use of a deadly weapon, conspiracy to commit murder, first-degree murder with the use of a deadly weapon, two counts of possession of a stolen vehicle, one count of possession of stolen property, ten counts of possession of a stolen firearm, two counts of fraudulent use of a credit or debit card, possession of a credit or debit card without the cardholder's consent, and possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; David Wall, Judge.

Appellant Geoffrey Lee Grove's sole issue on appeal is that the district court abused its discretion in imposing a sentence of life in prison without the possibility of parole for first-degree murder based on unsubstantiated assumptions about his future risk of dangerousness. In particular, Grove takes issue with the district court's statement that the suggestion that Grove commits dangerous or violent acts beyond his control is "as much a frightening issue for now and for the future" as it is evidence in mitigation. Considering them in context, the district court's

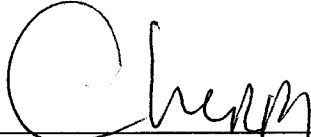
comments appear to reflect a rejection of Grove's contention that his impulse and anger control issues constitute mitigation rather than a comment focused on future dangerousness. However, even if the challenged comments are viewed as a reference to future dangerousness, we perceive no error based on Grove's brutal murder of his ex-girlfriend by strangling her with a dog collar, transporting her to the desert, and shooting her in the head.<sup>1</sup> See generally Redmen v. State, 108 Nev. 227, 235, 828 P.2d 395, 400 (1992) (observing, in the context of capital prosecution, that prosecutor may "argue the future dangerousness of a defendant even when there is no evidence of violence independent of the murder in question"), overruled on other grounds by, Alford v. State, 111 Nev. 1409, 906 P.2d 714 (1995). Moreover, the district court also considered the brutality of the murder and the prolonged agony the victim suffered. Accordingly, we conclude that the district court did not abuse its discretion in sentencing Grove to life in prison without the possibility of parole on the grounds Grove suggests. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (observing that this court has consistently afforded the district court wide discretion in its sentencing decision); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (stating that this court will refrain from interfering with sentence imposed where record does not show prejudice resulting from consideration of "impalpable or highly suspect evidence").


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<sup>1</sup>It appears that the medical examiner was unable to conclude whether the victim was dead prior to Grove transporting her to the desert and shooting her in the head.

Having considered Grove's claim and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. David Wall, District Judge  
Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk