

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN JOSE CHAVEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57368

FILED

MAY 10 2011

ORDER OF AFFIRMANCE

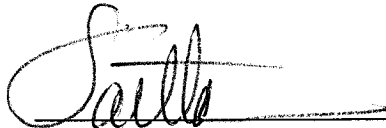
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, trafficking in a controlled substance, and being an ex-felon in possession of a firearm. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

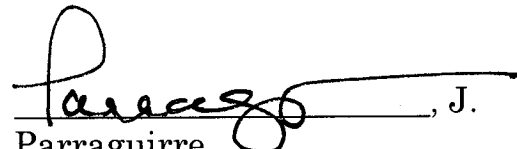
Appellant Juan Jose Chavez contends that the district court abused its discretion by imposing an excessive sentence. This court will not disturb a district court's sentencing determination absent an abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Chavez has not alleged that the district court relied solely on palpable or highly suspect evidence or that the sentencing statutes are unconstitutional. See Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004); Denson v. State, 112 Nev. 489, 492-93, 915 P.2d 284, 286-87 (1996). Chavez's consecutive prison terms of 48-120 months, 28-72 months, and 28-72 months fall within the parameters provided by the relevant statutes, see NRS 202.360(1); NRS 205.060(2); NRS 453.3385(1); see also NRS 176.035(1), and the sentence is not "so unreasonably disproportionate to the offense as to shock the conscience," Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Therefore, we

conclude that the district court did not abuse its discretion at sentencing.
Accordingly, we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk