

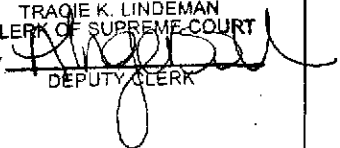
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LEDEZMA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63617

FILED

FEB 13 2014

TRAQIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

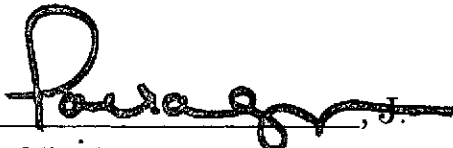
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of stolen property and aiming a firearm at a human being. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

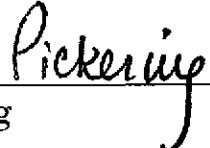
Appellant David Ledezma contends that the district court abused its discretion by considering and placing "an unreasonable amount of weight on" his juvenile record prior to imposing an excessive sentence constituting cruel and unusual punishment. We disagree.


This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Ledezma concedes that he did not object below to the consideration of his juvenile record at sentencing. See NRS 178.602. In fact, counsel for Ledezma freely discussed his juvenile record at the sentencing hearing. Regardless, a district court may consider a defendant's juvenile record when making a sentencing determination. See *Thomas v. State*, 88 Nev. 382, 385, 498 P.2d 1314, 1316 (1972); see also NRS 62H.030(3)(b); NRS 62H.170(3). Additionally, Ledezma has not demonstrated that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are

unconstitutional. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Ledezma's prison term of 36-90 months and consecutive jail term of 12 months fall within the parameters provided by the relevant statutes, *see* NRS 205.275(2)(c); NRS 202.290(1), it is within the district court's discretion to impose consecutive sentences, *see* NRS 176.035(1), and the sentence imposed is not so unreasonably disproportionate to the gravity of the offense as to shock the conscience, *see 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).¹ We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.²


Parraguirre, J.
Parraguirre


Pickering, J.
Pickering


Saitta, J.
Saitta

cc: Hon. Patrick Flanagan, District Judge
Michael V. Roth
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Ledezma was also ordered to pay restitution in the amount of \$112,178.75.

²The fast track statement does not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text in the body of the briefs is not double-spaced. Counsel for Ledezma is cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. *See* NRAP 3C(n).