

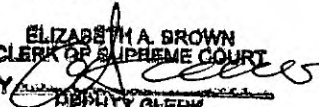
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEC DAVE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84165-COA

**FILED**

AUG 29 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Alec Dave appeals from a judgment of conviction, entered pursuant to a guilty plea, of four counts of lewdness with a minor under the age of 14 years. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Dave argues the district court abused its discretion by imposing the sentences to run consecutively to one another without considering the “individualized circumstances” of his case and without articulating any rationale for its decision. Dave further argues that his sentence violates his Eighth Amendment right against cruel and unusual punishment. Dave also claims his sentence contravened Nevada public policy.


The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[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.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *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)); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime). It is within the district court’s discretion to impose consecutive sentences. *See* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015).

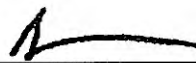
Dave’s sentence of four consecutive terms of 10 years to life in prison is within the parameters provided by the relevant statute, *see* NRS 201.230(2), and Dave does not allege that the statute is unconstitutional. Dave also does not allege the district court relied on impalpable or highly suspect evidence. Further, the district court was not required to articulate its reasons for imposing a particular sentence. *See Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). We have considered the sentence and the crime, and we conclude the sentence imposed is not grossly disproportionate to the crime, it does not constitute cruel and unusual punishment, Dave failed to demonstrate his sentence

contravened Nevada public policy, and the district court did not abuse its discretion when imposing consecutive sentences. Therefore, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk