

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE WOODSIDE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38241

**FILED**

**NOV 30 2001**

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of discharging a firearm out of a motor vehicle (count I), one count of discharging a firearm at or into a residence (count II), and two counts of being an ex-felon in possession of a firearm (counts III and IV). The district court sentenced appellant to serve 48 to 120 months in prison for count I; a consecutive sentence of 12 to 48 months in prison for count II; a consecutive sentence of 12 to 48 months in prison for count III; and a concurrent sentence of 12 to 48 months in prison for count IV.

Appellant's sole contention is that the district court abused its discretion by sentencing appellant to consecutive rather than concurrent sentences for three of the four offenses to which he pleaded guilty. We conclude that appellant's contention is without merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> This court will refrain from 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."<sup>2</sup> Moreover, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional,

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<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

01-20037

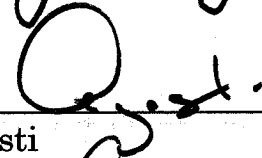
and the sentence is not so unreasonably disproportionate as to shock the conscience.<sup>3</sup>

In the instant case, appellant does not allege that the district court relied on palpable or highly suspect evidence or that the relevant statutes are unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, it is within the district court's discretion to impose consecutive sentences.<sup>5</sup>

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Connie J. Steinheimer, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe County Clerk

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<sup>3</sup>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)).

<sup>4</sup>See NRS 202.287(1)(b); NRS 202.285(1)(b); NRS 202.360(3).

<sup>5</sup>See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).