

IN THE SUPREME COURT OF THE STATE OF NEVADA

REGINA RIOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48670

FILED

APR 26 2007

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of two counts of permitting child neglect resulting in substantial bodily or mental harm and one count of false imprisonment to avoid arrest. First Judicial District Court, Carson City; William A. Maddox, Judge. The district court sentenced appellant Regina Rios to serve a prison term of 96 to 240 months for each count of permitting child neglect and a prison term of 72 to 180 months for the count of false imprisonment. The district court imposed the sentences to run consecutively.

Rios contends that the district court erred by denying her pretrial petition for a writ of habeas corpus and that she was improperly charged with the crime of false imprisonment to avoid arrest. Generally, the entry of a guilty plea waives any right to appeal from events which preceded that plea.¹ "[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent claims relating to the deprivation of

¹See Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975).

constitutional rights that occurred prior to the entry of the guilty plea."² Rio entered her guilty plea after the district court denied her habeas petition and she does not allege, and the record does not indicate, that she preserved the right to appeal any of these issues pursuant to NRS 174.035(3). Accordingly, she waived her right to appeal these issues.

Rio also summarily contends that her sentences constitute cruel and unusual punishment. However, regardless of its severity, a sentence that is 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."³ Rio does not allege that the relevant statutes are unconstitutional. We note that the sentences fall within the parameters provided by the relevant statutes,⁴ and we conclude that the sentences are not unreasonably disproportionate to the crimes to which Rio pleaded guilty.

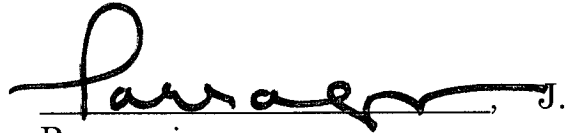
²Id. (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973)); see also Warden v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).

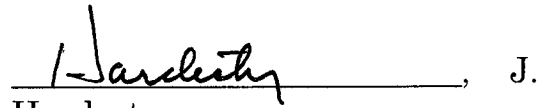
³Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).


⁴See NRS 193.130(1) ("The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed."); NRS 200.460(4) (false imprisonment to avoid arrest is punishable by a prison term of 1 to 15 years); NRS 200.508(2)(a)(2) (allowing or permitting child neglect or endangerment resulting in substantial bodily or mental harm is punishable by a prison term of 2 to 20 years).

Having considered Rio's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.


Parraguirre, J.


Hardesty, J.


Saitta, J.

cc: Hon. William A. Maddox, District Judge
Kummer Kaempfer Bonner Renshaw & Ferrario/Carson City
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Carson City Clerk