

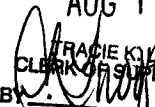
IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD LAVERN BARNES, II,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51192

**FILED**

AUG 18 2008

TRACIE K. INDEMAN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of child abuse, neglect, or endangerment. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge. The district court sentenced appellant Ronald Lavern Barnes, II, to serve a prison term of 8 to 20 years.

Barnes contends that his sentence “for neglecting a child shocks the conscience and violates the Eighth Amendment probation on cruel and unusual punishment.” Barnes further claims that “[t]he evidence at sentencing was highly suspect and questionable.” However, Barnes fails to support his contention with any specificity whatsoever.

The Eighth Amendment does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is grossly disproportionate to the crime.<sup>1</sup> Regardless of its severity, a sentence that is within the statutory limits is not “cruel and unusual

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<sup>1</sup>Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion).

punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.”<sup>2</sup>

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>3</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>4</sup>

In the instant case, Barnes has not demonstrated that the district court relied on impalpable or highly suspect evidence nor has he alleged that the relevant statute is unconstitutional. Further, we note that the sentence imposed was within the parameters provided by the relevant statute.<sup>5</sup> Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment.

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<sup>2</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)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

<sup>3</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

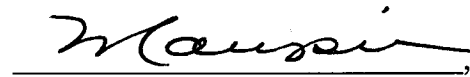
<sup>4</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

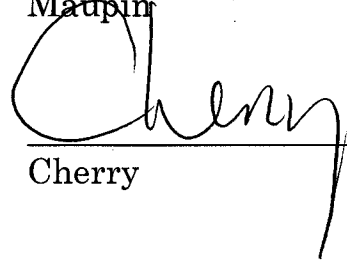
<sup>5</sup>See NRS 200.508(1)(a)(2) (abuse, neglect, or endangerment that results in substantial bodily or mental harm to a child 14 years of age or older is punished by a prison term of 2 to 20 years).

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, CJ.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Richard Wagner, District Judge  
Humboldt-Pershing County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk