

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELBERT SCOTT CAGLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54153

FILED

SEP 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession or sale of document or personal identifying information to establish false status or identity. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Delbert Scott Cagle argues that the sentence of life in prison with the possibility of parole after 10 years, imposed under the habitual criminal statute, is cruel and unusual punishment in violation of the Eighth Amendment considering the nature of the offense. Cagle does not, however, argue that the sentencing statute is unconstitutional, and we are not convinced that the sentence imposed is so grossly disproportionate to the offense as to shock the conscience. See Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); accord Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk