

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ANTONIO MADRIGAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54462

FILED

MAY 07 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingerson*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count each of oppression under color of office and sexually motivated coercion. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant David Antonio Madrigal contends that the sentence imposed constitutes cruel and unusual punishment because he had no criminal history, had a history of full employment, was committed to his children and their support, and the State's evidence was weak. We disagree.

The 12 to 32 month sentences imposed are within the statutory limits, NRS 193.130(2)(d); NRS 197.200(2)(a); NRS 207.190(2)(a), and are not so disproportionate to the crime as to shock the conscience. Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Further, Madrigal does not assert that the relevant statutes are unconstitutional, *id.*, or that the district court relied on impalpable or highly suspect evidence, Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment and the district court did not

abuse its discretion in imposing Madrigal's sentence. See Houk v. State,  
103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

J. Hardesty, J.  
Hardesty

J. Douglas, J.  
Douglas

J. Pickering, J.  
Pickering

cc: Hon. Valorie Vega, District Judge  
The Pariente Law Firm, P.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk