


IN THE SUPREME COURT OF THE STATE OF NEVADA

SONNY LEE WEBB,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54709

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery with a deadly weapon. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant Sonny Lee Webb contends that the sentence imposed constitutes cruel and unusual punishment and the district court relied on impalpable or highly suspect evidence. We disagree. The 48 to 120 month sentence is within the statutory limits, NRS 200.481(2)(e)(1), and is not so disproportionate to the crime as to shock the conscience. See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Webb does not assert that the relevant statute is unconstitutional, and we conclude that he has failed to demonstrate that the district court relied on impalpable or highly suspect evidence. See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); NRS 176.015(3); NRS 176.135(1). Therefore, we conclude that the sentence imposed does not constitute cruel and unusual punishment and the district court did not abuse its discretion in

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

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michael Montero, District Judge
Francis Jay Short
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk