

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS R. BRYANT A/K/A CURTIS
BRYANT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55027

FILED

SEP 09 2010

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen firearm. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

First, appellant Curtis R. Bryant contends that the district court abused its discretion and his sentence constitutes cruel and unusual punishment because it is disproportionate to the offense and excessive compared to his codefendants'. See U.S. Const. amend. VIII. This court will not disturb a district court's sentencing determination absent an abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Bryant has neither demonstrated that the district court relied on impalpable or highly suspect evidence nor alleged that the relevant sentencing statute is unconstitutional. See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Further, Bryant's sentence of 42-120 months falls within the parameters provided by the relevant statute. See NRS 205.275(2)(c). Therefore, we conclude that the district court did not abuse its discretion.

Second, Bryant contends that the district court erred by not awarding him an additional 102 days' credit for time served in presentence confinement. The district court stated at the sentencing hearing that the additional 102 days requested by Bryant had been credited to his sentence in district court case no. C248482. On appeal, Bryant has failed to provide any argument contradicting the district court's statement or documentation demonstrating that the district court erred. Therefore, we conclude that the district court did not err by refusing to award Bryant an additional 102 days' credit for time served. See NRS 176.055(1).

Having considered Bryant's contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michael Villani, District Judge
James A. Oronoz, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk