

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE SCOTT OMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55696

FILED

DEC 10 2010

TRACIE 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 motor vehicle. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Bruce Scott Oman contends that the district court abused its discretion by imposing a sentence constituting cruel and unusual punishment because it is disproportionate to the offense, his criminal history, and the evidence presented in mitigation. 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). Oman has not alleged that the district court relied on impalpable or highly suspect evidence or that the relevant sentencing statutes are 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). Oman's prison term of 24-60 months, ordered to run consecutively to the sentence imposed in district court case number CR09-1284, falls within the parameters provided by statute. See NRS 205.273(3); NRS 193.130(2)(c) (category C felony); see also NRS 176.035(1). Further, Oman's sentence is not "so unreasonably

disproportionate to the offense as to shock the conscience.” Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Therefore, we conclude that the district court did not abuse its discretion and the sentence imposed does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Steven P. Elliott, District Judge
Matthew P. Digesti
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk