IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY BRIAN KEELER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55730

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 attempted lifetime supervision violation by a sex offender. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Timothy Brian Keeler maintains that his sentence constitutes cruel and unusual punishment because his sentence was disproportionate to his crime and he "did nothing more than fail to report to his parole officer." Keeler asserts that a lesser suspended sentence, recommended by both the State and defense counsel at sentencing, would have sufficiently met the "goals of deterrence, retribution, and rehabilitation."

We have consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Keeler does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant 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). Further, Keeler's 24-60 month sentence is within the parameters provided by the relevant statutes, NRS 213.1243(8); NRS 193.330(1)(a)(3);

NRS 193.130(2)(c), and is not "so unreasonably disproportionate to the offense as to shock the conscience," Blume, 112 Nev. at 475, 915 P.2d at 284. We conclude that Keeler's sentence is not so grossly disproportionate to the offense for purposes of the constitutional prohibitions against cruel and unusual punishment, see Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion), and we

ORDER the judgment of conviction AFFIRMED.[1]

_____, J.
Hardesty

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

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[1]Keeler maintains that the judgment of conviction incorrectly assessed a $60.00 chemical analysis fee. The State concedes that the district court did not assess the chemical analysis fee at sentencing and assessing the fee in the judgment of conviction was a clerical error. As such, following this court's issuance of the remittitur, the district court shall enter a corrected judgment of conviction correcting the clerical error. See NRS 176.565; Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994).