

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN CHARLES JAMES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55787

FILED

SEP 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 jury verdict, of sex offender failure to change address and provide updated information. Eighth Judicial District Court, Clark County; James M. Bixler, Judge. Appellant Allen Charles James argues that the 12-30 month sentence is cruel and unusual in violation of the United States and Nevada Constitutions. We disagree. James has not argued that the applicable sentencing statute (NRS 193.130(2)(d)) is unconstitutional, and we are not convinced that the sentence imposed, which is the minimum possible sentence for the offense, see NRS 193.130(1), (2)(d), is so grossly disproportionate to the offense as to shock the conscience. The sentence therefore does not violate the constitutional proscriptions against cruel and unusual punishment. See Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Blume v. State, 112 Nev. 472, 475, 915 P.2d

282, 284 (1996); Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994). Having concluded that James's contention is without merit, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. James M. Bixler, District Judge
The Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender