

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL REED,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55846

**FILED**

NOV 05 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 an Alford plea, of battery with the use of a deadly weapon. North Carolina v. Alford, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; David Wall, Judge.

Appellant Michael Reed contends that the district court abused its discretion at sentencing and the sentence imposed constitutes cruel and unusual punishment because he had only one prior misdemeanor conviction and a long history of mental and physical ailments and the victims suffered no permanent injuries. We disagree.

The 24- to 60-month sentence is within the statutory limits, see NRS 200.481(2)(e)(1), and is not “so disproportionate to the crime as to shock the conscience,” Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Reed does not allege that the relevant statute is unconstitutional, see id., or 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). Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment and the district court did not

abuse its discretion in imposing Reed'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. David Wall, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Brent Percival