

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID BRIAN SPINELLA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55889

**FILED**

SEP 10 2010

TRACIE K. LINDEMAN  
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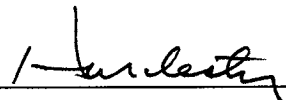
ORDER OF AFFIRMANCE

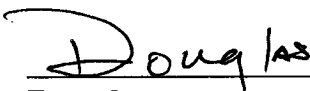
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of coercion with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Stefany Miley, Judge. Appellant David Brian Spinella argues that the two consecutive 12-30 month sentences are cruel and unusual in violation of the United States and Nevada Constitutions. We disagree. Spinella has not argued that the applicable sentencing statutes (NRS 193.165 and NRS 207.190) are unconstitutional, and we are not convinced that the sentences imposed, which are within the parameters of the application statutes, are so grossly disproportionate to the offense as to shock the conscience. The sentences therefore do 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 Spinella's contention is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

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