

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRADLEY ELLINGSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56067

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 a guilty plea, of one count each of coercion and robbery. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Bradley Ellingson contends that the sentence imposed is disproportionate to his crimes and thus constitutes cruel and unusual punishment because he took the victim's wallet after the victim left the area and took responsibility for his crime and pleaded guilty. We disagree.

Ellingson's concurrent sentences of 12 to 48 months and 42 to 120 months are within the statutory limits, see NRS 207.190(2)(a); NRS 200.380(2), and are not so disproportionate to the crime as to shock the conscience, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Ellingson does not assert that the relevant statutes are unconstitutional, id., or that the district court relied on impalpable or highly suspect evidence, 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 Ellingson's sentence,
see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk