

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS OTERO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56664

**FILED**

**FEB 09 2011**

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 robbery. North Carolina v. Alford, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Jack B. Ames, Judge.

Appellant Carlos Otero contends that his sentence constitutes cruel and unusual punishment because it is longer than the sentences imposed on his codefendants. We disagree.

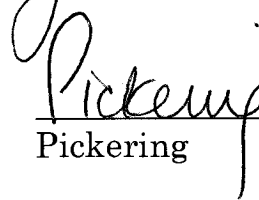
“[S]entencing is an individualized process; therefore, no rule of law requires a court to sentence codefendants to identical terms.” Nobles v. Warden, 106 Nev. 67, 68, 787 P.2d 390, 391 (1990). Further, Otero’s 72- to 180-month sentence is within the statutory limits, see NRS 200.380(2), and is not so “disproportionate to the offense as to shock the conscience,” Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (internal quotation marks omitted). Otero does not assert that the relevant statute is 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 at sentencing, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Chief Judge, Eighth Judicial District Court  
Hon. Jack B. Ames, Senior Judge  
Eichhorn & Hoo LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk