

IN THE SUPREME COURT OF THE STATE OF NEVADA

REBECCA FLANAGAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57047

**FILED**

APR 06 2011

TRACIE K. LINDEMAN  
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BY S. Young  
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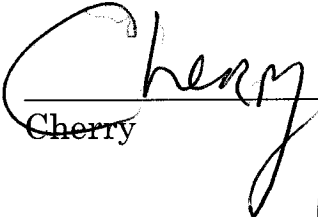
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of burglary and fraudulent use of a credit or debit card. Eighth Judicial District Court, Clark County; Jack B. Ames, Judge.


Appellant Rebecca Flanagan contends that her sentence to concurrent prison terms of 10 to 25 years shocks the conscience and violates principles of fundamental fairness, is greatly disproportionate to her offenses, and "goes beyond what is necessary to achieve the aim of the public interest." We review a district court's sentencing determination for abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Because Flanagan does not argue that the habitual criminal punishment statute is unconstitutional, her sentence is within the parameters of that statute, and we are not convinced that the sentence is so grossly disproportionate to the gravity of the offense and Flanagan's history of recidivism as to shock the conscience, we conclude that the sentence does not violate the constitutional proscriptions against cruel and unusual punishment. See NRS 207.010(1)(b)(3); Ewing v. California, 538 U.S. 11, 29 (2003) (plurality opinion); 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). Accordingly, 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  
Anthony M. Goldstein  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk