

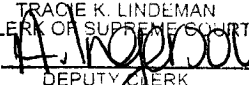
IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JAMES WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59430

FILED

JUL 26 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery causing substantial bodily harm. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

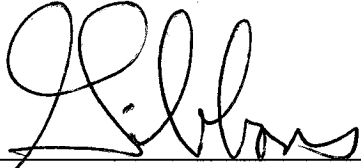
Appellant Matthew James Wright contends that the district court abused its discretion by imposing an excessive and disproportionate sentence which shocks the conscience and amounts to cruel and unusual punishment. We disagree.

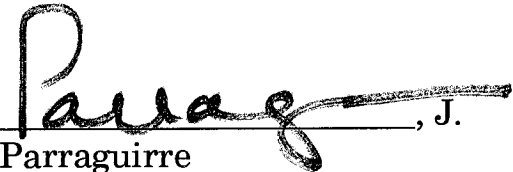
This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Wright has not alleged that the district court relied solely on impalpable or highly suspect evidence or demonstrated that the sentencing statutes are unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Moreover, Wright received probation with an underlying, suspended prison term of 19-48 months, which falls within the parameters provided by the relevant statutes, see NRS 193.130(2)(c); NRS 200.481(2)(b), and the sentence is not so unreasonably disproportionate to the gravity of the offense as to shock the conscience, see Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also Ewing v. California, 538 U.S. 11,

29 (2003) (plurality opinion); Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Calvert & Hubach, LLC
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Although we filed the second “opening brief” submitted by Wright in this fast track appeal after previously rejecting the initial pleading due to its failure to comply with the Nevada Rules of Appellate Procedure, the filed brief is still not in compliance. Specifically, the statement of facts and legal argument sections refer to matters in the record without specific citation to the appendix, see NRAP 3C(e)(1)(C); NRAP 28(e)(1). Additionally, the appendix submitted by Wright fails to comply and include an alphabetical index identifying each of the documents contained therein. NRAP 3C(e)(2)(C); NRAP 30(c). Counsel for Wright, Jenny Hubach, is cautioned that the failure to comply with the briefing and appendix requirements in the future may result in the documents being returned to be correctly prepared and in the imposition of additional sanctions, NRAP 3C(n).