

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES MOORE A/K/A CHARLES
LAVELLE MOORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59706

FILED

APR 11 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery and burglary while in possession of a firearm. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Appellant argues that his sentence of two concurrent terms of 24 to 120 months in prison constitutes cruel and unusual punishment under the Eighth Amendment and an abuse of discretion by the district court because the sentence is disproportionate to his role in the crimes. Strict proportionality between crime and sentence is not required; rather, only an extreme sentence that is grossly disproportionate to the crime is forbidden. Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Appellant's sentence falls within the statutory limits and is not so unreasonably disproportionate to his offense as to shock the conscience. Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). And he has not demonstrated that the district court abused its discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376,

1379 (1987) (noting broad discretion afforded district courts in sentencing matters). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Linda Marie Bell, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk