

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD MEJIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59778

FILED

JUL 26 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

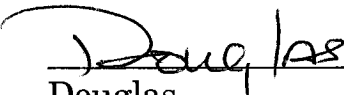
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted burglary. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.


Appellant Howard Mejia 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.

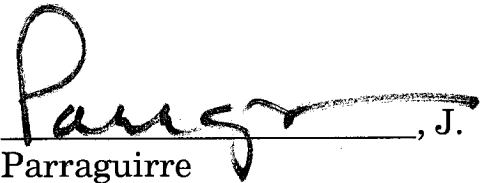
This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Mejia has not alleged that the district court relied solely on impalpable or highly suspect evidence or demonstrated that the sentencing statute is unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Mejia's prison term of 12-32 months falls within the parameters provided by the relevant statutes, see NRS 205.060(2); NRS 193.330(1)(a)(3); NRS 193.130(2)(c), 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.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Valorie J. Vega, District Judge
Robert E. Glennen, III
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk