

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME ALFRED WILEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59997

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 entered pursuant to a guilty plea of grand larceny (category B felony). Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant Jerome Alfred Wiley's sole contention is that his 24- to 72-month prison sentence constitutes cruel and unusual punishment because he took responsibility for stealing the shoes, the value of the shoes was just above the threshold for grand larceny and the Legislature has since raised the threshold, and he "had ample support from the community and family members and had several mitigating factors." However, because Wiley does not argue that the relevant statute is unconstitutional, his sentence is within the parameters of that statute, see 1997 Nev. Stat., ch. 150, § 7, at 339 (NRS 205.222(3)); we are not convinced that the sentence is unreasonably disproportionate to the gravity of his offense; we conclude that the sentence does not violate the constitutional proscriptions against cruel and unusual punishment, see Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Chavez v. State, 125 Nev. 328, 347-48, 213 P.3d 476, 489-90 (2009), and we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Parraguirre, J.  
Parraguirre

cc: Hon. Kathleen E. Delaney, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk