

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY LAMONT SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60063

FILED

SEP 12 2012

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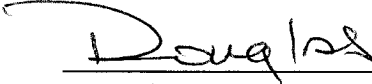
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of two counts of robbery. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

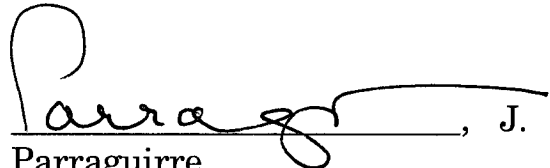
Appellant Anthony Lamont Smith contends that his two, consecutive 6- to 15-year prison sentences are grossly disproportionate to the severity of his offenses, usurp the parole board's ability to determine if he can be rehabilitated and released earlier, and drain the State's limited resources by keeping him "warehoused" in prison. 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). Smith does not claim that the district court relied on impalpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Because Smith's sentences fall within the parameters of the applicable statutes and we are not convinced that they are grossly disproportionate to the gravity of his offenses, we conclude that the district court did not abuse its discretion and the sentences do not violate the constitutional proscriptions against cruel and unusual

punishment. See NRS 176.035(1); NRS 200.380(2); Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Blume, 112 Nev. at 475, 915 P.2d at 284; Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. David A. Hardy, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk