

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER RAPHAEL BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60280

**FILED**

NOV 15 2012

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

ORDER OF AFFIRMANCE

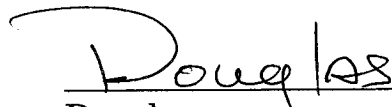
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felon in possession of a firearm. Second Judicial District Court, Washoe County; Robert E. Estes, Senior Judge.


Appellant Roger Brown argues on appeal that his sentence constitutes cruel and unusual punishment because it is disproportionate to the gravity of the offense and his prior criminal history. We disagree. This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). The district court sentenced Brown to the maximum sentence within the statutory limits, NRS 202.360, citing Brown's felonious history and the nature of the crime. Brown was aware of the maximum possible sentence, and we note that in exchange for a guilty plea, the State agreed not to charge him as a habitual offender and to dismiss an additional charge. Accordingly, we conclude that Brown's sentence was not "so unreasonably disproportionate to the offense as to shock the conscience." Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220,

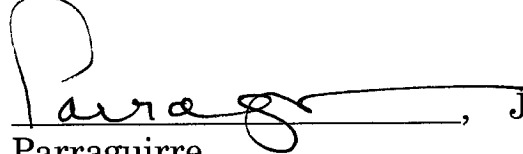
221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348-49, 871 P.2d 950, 953 (1994).

Having considered Brown's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Chief Judge, Second Judicial District Court  
Robert E. Estes, Senior Judge  
Law Office of Thomas L. Qualls, Ltd.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk