

IN THE SUPREME COURT OF THE STATE OF NEVADA

CATHERINE JOY BERNICE EISLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60304

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Inappara*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of first-degree murder with the use a deadly weapon and/or upon a person 60 years of age or older. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Appellant Catherine Joy Bernice Eisley contends that her sentence of life imprisonment without the possibility of parole is excessive because she has no prior criminal history, suffers from a mental illness, and is not “the deadliest and most unsalvageable” of people. We review a district court’s sentencing decision for abuse of discretion. Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Eisley 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 State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Because Eisley’s sentence falls within the parameters of the applicable statutes and we are not convinced that it is grossly disproportionate to the gravity of her offense, we conclude that the district court did not abuse its discretion and the sentence does not violate the constitutional proscriptions against cruel and unusual punishment.

See NRS 193.167(1); NRS 193.169(1); NRS 200.030(4)(b)(1); 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.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk