

IN THE SUPREME COURT OF THE STATE OF NEVADA

VINCENT DOUGLAS REEDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60415

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Indar
DEPUTY CLERK

ORDER OF AFFIRMANCE

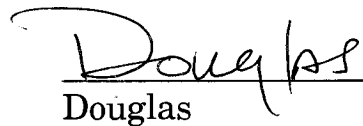
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of failure to appear after admission of bail. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

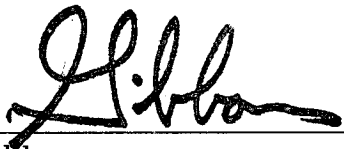
Appellant's sole issue on appeal is that his sentence of 8 to 20 years in prison pursuant to NRS 207.010 is so disproportionate to his crime as to constitute cruel and unusual punishment considering that he took responsibility for his crime by pleading guilty. Strict proportionality between the crime and the sentence is not constitutionally required; rather, the Eighth Amendment forbids only an extreme sentence that is grossly disproportionate to the crime and the defendant's history of recidivism. Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Ewing v. California, 538 U.S. 11, 29 (2003) (plurality opinion); see also Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience" (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979))). Here, the sentence is within statutory limits, see

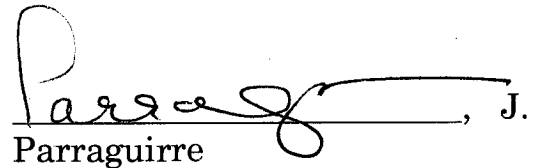
NRS 207.010, and appellant does not challenge the statute as unconstitutional. And appellant stipulated to the sentence imposed as part of the plea negotiation. Considering appellant's criminal history and the instant offense, we conclude the sentence is not unreasonably disproportionate.

Having considered appellant's argument and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Gibbons

 _____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk