IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN REDMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60514

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to an Alford plea of attempted lewdness with a child under the age of fourteen. See North Carolina v. Alford, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant John Redman contends that the district court erred by allowing the victim to testify at sentencing because the defense did not receive notice pursuant to NRS 176.015(4). However, because NRS 176.015(4) does not require the prosecutor to give the defense notice and Redman does not claim that the victim's statement exceeded the scope of the statement authorized by NRS 176.015(3), we conclude that Redman has failed to demonstrate that the district court abused its discretion by allowing the victim to testify at sentencing. See Sherman v. State, 114 Nev. 998, 1012, 965 P.2d 903, 913 (1998) ("The trial court's determination regarding the admissibility of evidence during a sentencing hearing will not be disturbed on appeal absent an abuse of discretion.").

Redman also contends that the district court abused its discretion by considering unproven bad acts and imposing a sentence that was disproportionate to the offense. 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). Redman does not allege that the district court relied solely on impalpable or highly suspect evidence, see Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996), the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), or his 84- to 240-month sentence falls outside the parameters of the relevant statutes, see NRS 193.330(1)(a)(1); NRS 201.230(2), and we are not convinced that the sentence is unreasonably disproportionate to the gravity of his offense as to violate the constitutional proscriptions against cruel and unusual punishment, see Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Blume, 112 Nev. at 475, 915 P.2d at 284. Therefore, we conclude that the district court did not abuse its discretion at sentencing.

Having considered Redman's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

Saitta, J.

Pickering, J.

Hardesty, J.

cc: Hon. Douglas W. Herndon, District Judge
Spencer M. Judd
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk