

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SAUL PUTZER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60570

FILED

DEC 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

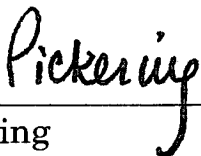
Appellant's sole issue on appeal is that his sentence of 12 to 30 months in prison is so disproportionate to his crime as to constitute cruel and unusual punishment under the United States and Nevada Constitutions and that the district court abused its discretion in its sentencing decision, considering 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. Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). We have observed that "[a] sentence within the statutory limits is not 'cruel and unusual punishment unless the statute fixing the punishment is unconstitutional or the sentence is 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)). Further, the district

court is vested with wide discretion regarding its sentencing decision. Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987).

Here, the sentence is within statutory limits, see NRS 205.060(2), and appellant does not challenge the statute as unconstitutional. Further, appellant stipulated to the sentence imposed as part of the plea negotiation. He has pointed to nothing in the record suggesting that his sentence is unreasonably disproportionate or that the district court abused its discretion in sentencing him as it did. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

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