

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR RAFAEL ZUNIGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61261

FILED

APR 09 2013

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

ORDER OF AFFIRMANCE

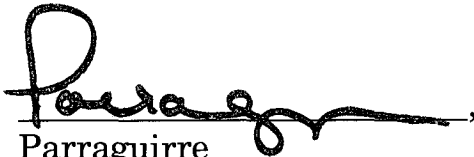
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree kidnapping. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

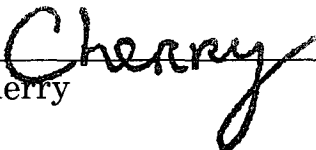
Appellant Oscar Rafael Zuniga contends that the district court abused its discretion by imposing an excessive sentence constituting cruel and unusual punishment. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Zuniga's prison term of 72-180 months falls within the parameters provided by the relevant statute, see NRS 200.330 (category B felony punishable by a prison term of 2-15 years and fine not to exceed \$15,000), and the sentence imposed is not so unreasonably disproportionate to the gravity of the offense as to shock the conscience, see Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also Harmelin v. Michigan, 501 U.S.

957, 1000-01 (1991) (plurality opinion). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Carolyn Ellsworth, District Judge
The Law Office of Dan M. Winder, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk