

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JAMES HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61272

FILED

FEB 13 2013

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Angers
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Michael James Howard contends that the district court abused its discretion by not suspending his sentence and granting him probation because the district court ignored his drug addiction and usurped the authority of the parole board, and the sentence imposed constitutes cruel and unusual punishment. We disagree.

Howard's sentence of 8 to 20 years in prison is within the statutory limits, see NRS 207.010(1)(a), and is not so disproportionate to the crime and Howard's criminal history "as to shock the conscience," Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (internal quotation marks omitted). Howard does not assert that the relevant statute is unconstitutional, id., or that the district court relied on "impalpable or highly suspect evidence," Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we conclude that the sentence

imposed does not constitute cruel and unusual punishment and the district court did not abuse its discretion at sentencing, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Brent T. Adams, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk