

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS DOUCETTE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61561

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angelina
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order revoking probation and amending the judgment of conviction. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Appellant pleaded guilty to coercion and was sentenced to serve 12 to 72 months in prison; the sentence was suspended and appellant was placed on probation. Thereafter, his probation was revoked, and the original sentence was imposed. Appellant argues that his sentence constitutes cruel and unusual punishment but does not explain the basis of that assertion.

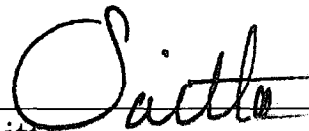
We have observed that, regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing [the] punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *Blume v. State*, 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)). Here, the sentence is within statutory limits, see NRS 207.190(2)(a), and appellant does not challenge the statute as unconstitutional. And we are not convinced that the sentence is

unreasonably disproportionate to the gravity of the offense so as to violate the proscription against cruel and unusual punishment. *Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion); *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk