

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID MICHAEL COTNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61571

**FILED**

MAY 13 2013

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

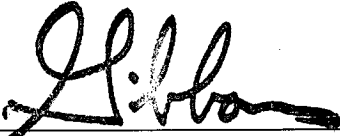
ORDER OF AFFIRMANCE

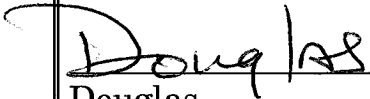
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary while in possession of a deadly weapon and two counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Appellant David Michael Cotner claims that the sentence imposed constitutes cruel and unusual punishment, alleging that it is disproportionate to the severity of his crime because he only “robbed a grand total of \$835.” The multiple concurrent and consecutive prison terms totaling 96 to 252 months imposed by the district court are within the statutory limits. NRS 193.165(1); NRS 200.380(2); NRS 205.060(4). Cotner has not alleged that the sentencing statutes are unconstitutional, and we conclude that the sentences are not so grossly disproportionate to the offenses as to violate the constitutional prohibitions against cruel and unusual punishment. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01

(1991) (plurality opinion). Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jerome T. Tao, District Judge  
Carl E. G. Arnold  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk