

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO TORRES RIOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61881

FILED

APR 09 2013

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

ORDER OF AFFIRMANCE

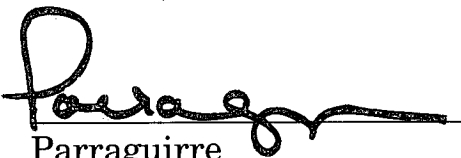
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

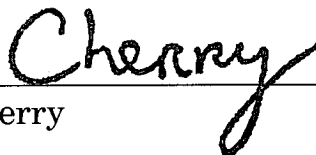
Appellant Eduardo Torres Rios contends that the district court abused its discretion by imposing an excessive and disproportionate sentence amounting to cruel and unusual punishment. We disagree. This court will not disturb a district court's sentencing determination absent an abuse of discretion. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Rios' prison term of 40-180 months falls within the parameters provided by the relevant statute, see NRS 200.380(2) (category B felony punishable by a prison term of 2-15 years), 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. Scott N. Freeman, District Judge
Fry & Berning, LLC
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk