

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMAR RAHYME BARNES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61888

FILED

JUN 13 2013

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

ORDER OF AFFIRMANCE

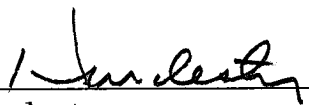
This is an appeal from a judgment of conviction entered pursuant to a guilty plea of child abuse with substantial bodily harm. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

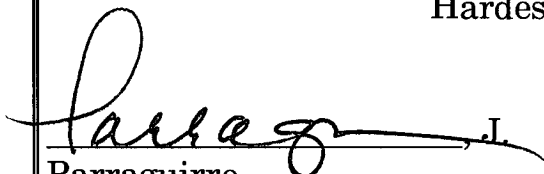
Appellant Demar Rahyme Barnes contends that his 96- to 240-month prison sentence is cruel and unusual because he admitted that he was negligent, had no prior criminal history, was deemed a moderate risk to reoffend, showed remorse, and took responsibility for his actions. Barnes does not argue that the sentencing statute is unconstitutional, *see Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), his sentence falls within the parameters of that statute, *see* NRS 200.508(1)(a)(2), and we are not convinced that the sentence is so grossly disproportionate to the gravity of his offense as to shock the conscience, *see Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion); *Blume*, 112 Nev. at 475, 915 P.2d at 284. Accordingly, we conclude that the sentence does not violate the constitutional proscriptions against cruel and unusual punishment.

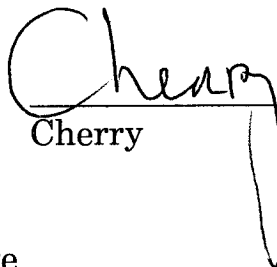
To the extent that Barnes contends that the district court abused its discretion at sentencing, we conclude that his contention lacks merit. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009)

(reviewing a district court's sentencing decision for abuse of discretion); *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (observing that we will not interfere with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence").

Having concluded that Barnes is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk