


IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL NICHOLAS HUGHES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62234

FILED

JUN 13 2013

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of grand larceny of a motor vehicle. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

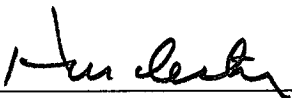
Appellant Daniel Nicholas Hughes contends that the district court abused its discretion when it imposed a maximum prison sentence because the Division of Parole and Probation's sentencing recommendation may have been skewed and he did not harm anyone, is amenable to rehabilitation, and suffers from mental health issues. However, Hughes' 24- to 60-month prison sentence falls within the parameters of the relevant statutes, *see* NRS 193.130(2)(c); NRS 205.228(2), and he does not allege that the district court relied solely on impalpable or highly suspect evidence, *see Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); therefore, we conclude that the district court did not abuse its discretion at sentencing, *see Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009).

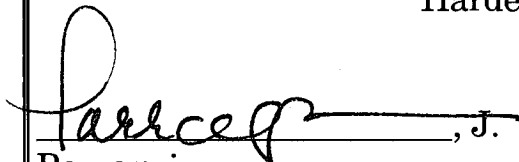
To the extent that Hughes contends that his sentence constitutes cruel and unusual punishment, we conclude that his contention lacks merit. *See Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion); *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282,

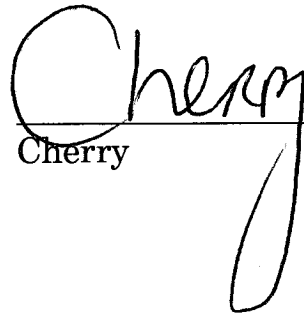
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284 (1996) (observing that “[a] sentence within the statutory limits is not cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience” (internal quotation marks omitted)).

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

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Janet J. Berry, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk