


IN THE SUPREME COURT OF THE STATE OF NEVADA

BUD REESE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62724

FILED

DEC 17 2013

TRAMIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Appellant Bud Reese contends that the district court abused its discretion by imposing a sentence constituting cruel and unusual punishment. We disagree.

Reese's sentence of 60 to 150 months in prison is within the statutory limits, *see* NRS 207.010(1)(a), and Reese fails to demonstrate that it is so disproportionate to the crime and his criminal history "as to shock the conscience,"<sup>1</sup> *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (internal quotation marks omitted); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Reese does not assert that the relevant statute is unconstitutional, *id.*, or that the district court relied on "impalpable or highly suspect evidence," *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, he fails to

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<sup>1</sup>Reese has failed to include the sentencing transcript in the appendix and did not move for transmission of the presentence investigation report. NRAP 3C(e)(2)(C); NRAP 30(b)(1), (6).

demonstrate that the sentence imposed constitutes cruel and unusual punishment or that the district court abused its discretion at sentencing, see *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

                    Pickering                    , C.J.  
Pickering

                    Hardesty                    , J.  
Hardesty

                    Cherry                    , J.  
Cherry

cc: Hon. Jennifer P. Togliatti, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk