


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTY EUGENE MURDOCK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63568

FILED

MAY 12 2014

TRACIE 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 burglary and possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Appellant Marty Eugene Murdock was sentenced to a prison term of 48 to 120 months for burglary and a consecutive prison term of 24 to 60 months for possession of a stolen motor vehicle. He contends that the law should be changed to require judges to articulate their reasons for imposing a maximum sentence so that their sentencing decisions may be subjected to meaningful appellate review. However, he did not object below or ask the district court to explain its sentencing decision, and he has not demonstrated that the district court's failure to do so constituted plain error. *See* NRS 178.602; *Mendoza-Lobos v. State*, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009). Moreover, we decline his invitation to revisit our holding in *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998) (the district court is not required to state its reasons in imposing a sentence).

Murdock also contends that his maximum and consecutive prison terms constitute cruel and unusual punishment because they shock the conscience and offend human dignity. However, Murdock has not alleged that the relevant statutes are unconstitutional, *see Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), his sentence falls within the parameters of those statutes, *see NRS 176.035(1); NRS 193.130(2)(c); NRS 205.060(2); NRS 205.273(3)*, and we are not convinced that the sentence is so grossly disproportionate to the gravity of the offenses and his long history of felony recidivism as to shock the conscience, *see Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion); *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 Murdock's sentence does not violate the constitutional proscriptions against cruel and unusual punishment.

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

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Scott N. Freeman, District Judge
Patricia C. Halstead
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk