

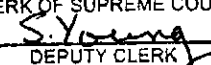
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN CHRISTOPHER STERNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64306

**FILED**

JUN 11 2014

TRACIE 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 attempted burglary. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Kevin Christopher Sterner contends that the district court abused its discretion by imposing an excessive and disproportionate sentence constituting cruel and unusual punishment. We disagree.

This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Sterner has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. *See Chavez v. State*, 125 Nev. 328, 347-48, 213 P.3d 476, 489-90 (2009). Sterner's prison term of 19-60 months falls within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 193.330(1)(a)(3); NRS 205.060(2), 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.

                    Pickering                    , J.  
Pickering

                    Parraguirre                    , J.  
Parraguirre

                    Saitta                    , J.  
Saitta

cc: Hon. Michelle Leavitt, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk