

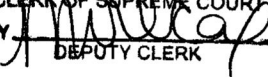
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL GORDON MEYER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64444

FILED

JAN 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

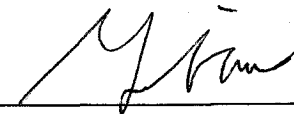
This is an appeal from a judgment of conviction entered pursuant to an *Alford*¹ plea of attempted sexual assault of a minor under 14 years of age. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

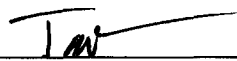
Appellant claims that his prison sentence of three to nine years constitutes cruel and unusual punishment because it significantly deviated from the Division of Parole and Probation's sentencing recommendation. However, appellant does not claim that the relevant statutes are unconstitutional. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). The sentence falls within the parameters of those statutes. *See NRS 193.330(1)(a)(1); NRS 200.366(3)*. The sentence is not grossly disproportionate to the gravity of the offense. *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 appellant's

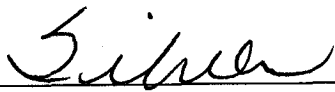
¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

sentence does not violate the constitutional proscriptions against cruel and unusual punishment, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James M. Bixler, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk