

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER JAMES YOCUM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64556

**FILED**

**JUL 22 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree kidnapping. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

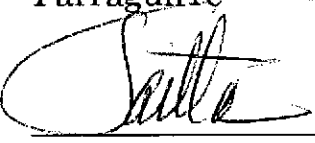
Appellant Christopher James Yocum contends that the district court abused its discretion by imposing a sentence that is disproportionate to the offense, constituting cruel and unusual punishment. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Here, the district court recognized that the mitigating evidence presented by Yocum demonstrated that he was "intelligent," "friendly," and "goal-oriented," but concluded that the nature of the instant offense, wherein Yocum strangled and threatened to kill his pregnant girlfriend, and Yocum's past offenses, which included similar domestic incidents, warranted a term of 26-120 months incarceration. This sentence falls within the parameters required by statute, *see* NRS 200.330, and is not "so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *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).

Yocum has not alleged that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statute is unconstitutional, *see Chavez v. State*, 125 Nev. 328, 347-48, 213 P.3d 476, 489-90 (2009), and fails to demonstrate that the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jerome Polaha, District Judge  
Calvert & Hubach, LLC  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>Although we filed the fast track statement submitted by Yocum, it fails to comply with the Nevada Rules of Appellate Procedure because it is not entirely double-spaced, *see* NRAP 32(a)(4), and the statement of facts section refers to matters in the record without specific citation to the appendix, *see* NRAP 3C(e)(1)(C). Counsel for Yocum is cautioned that the failure to comply with this court's briefing requirements may result in the imposition of sanctions. *See* NRAP 3C(n).