

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS BILLY BONILLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64926

FILED

SEP 19 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery by a prisoner with the use of a deadly weapon and by strangulation. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Curtis Bonilla contends that the district court abused its discretion by sentencing him to a prison term of 40 to 180 months and not considering Bonilla's lack of a prison disciplinary record, his degree of culpability, and the lengthy sentence he was already serving. 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). Bonilla 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). Bonilla's prison term of 40 to 180 months falls within the parameters provided by the relevant statute, *see* NRS 200.481(2)(g)(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.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City Clerk