

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR DANIEL MAYO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65274

FILED

SEP 18 2014

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen vehicle. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant Arthur Daniel Mayo contends that the district court abused its discretion at sentencing and imposed a disproportionate sentence constituting cruel and/or unusual punishment. See U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Mayo 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, 348, 213 P.3d 476, 489-90 (2009). Mayo's sentence to a maximum of 12 years and 6 months with a minimum parole eligibility of 5 years, falls within the parameters of the habitual criminal statute, see NRS 207.010(1)(a), and is not so unreasonably disproportionate to the offense, or his history of recidivism as to shock the conscience, *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also *Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion); *Harmelin v.*

*Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Furthermore, Mayo stipulated to the sentence he received in his guilty plea agreement. Therefore, 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. Valerie Adair, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk