

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARLOS VALLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70270

FILED

NOV 18 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an *Alford*¹ plea, of conspiracy to commit robbery and robbery. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant Carlos Valle claims, in light of his limited criminal history, positive employment history, substantial community ties, and strong family support, his sentence constitutes cruel and unusual punishment. We disagree.

Valle and another individual entered the victim's home at gunpoint, beat the victim while the victim's young child was in the other room, and stole belongings from the victim's home. The district court sentenced Valle to a prison term of 24 to 60 months for conspiracy and a concurrent prison term of 48 to 120 months for robbery.

The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 199.480(1)(a); NRS 200.380(2), and Valle does not allege that those statutes are unconstitutional. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). We conclude the

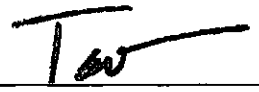
¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

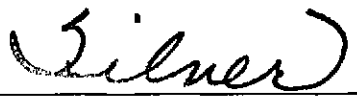
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sentence is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. See *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Gregory & Waldo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk