

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIN M. KOETJE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69994

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 a guilty plea, of child abuse, neglect, or endangerment with substantial bodily harm and use of a controlled substance in the presence of a child. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant Erin M. Koetje claims the district court abused its discretion at sentencing and the sentence imposed constitutes cruel and unusual punishment because she took responsibility for her crime and pleaded guilty and because the medical doctors were in disagreement as to the cause of the victim's injuries. We disagree.

At sentencing, the severe injuries that the infant victim sustained were described to the district court. The district court indicated that regardless of whether Koetje inflicted the injuries herself, allowed an unqualified person to care for her child, or was negligent in seeking medical care for her child, her actions required substantial punishment and probation was not warranted. The district court imposed a prison term of 60 to 180 months for child abuse and neglect and a concurrent prison term of 24 to 60 months for use of a controlled substance.


The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 200.508(2)(a)(2); NRS


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453.3325(2)(a)(1), and Koetje does not allege that those statutes are unconstitutional. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Koetje also does not allege the district court relied on impalpable or highly suspect evidence. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). We conclude the sentence imposed 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), and the district court did not abuse its discretion when imposing sentence, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Elissa F. Cadish, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk