

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MITSUNORI WINSTON MATSUUCHI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69955

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 trafficking in a controlled substance and stop required on signal of a police officer. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant Mitsunori Winston Matsuuchi claims, because he took responsibility for his crime and pleaded guilty, the district court abused its discretion at sentencing and his sentence constitutes cruel and unusual punishment. We disagree.


Matsuuchi failed to stop on the signal of a police officer, which resulted in a chase. When Matsuuchi finally stopped, a large amount of methamphetamine was found in bags on the floor boards between Matsuuchi's feet. The district court sentenced Matsuuchi to a prison term of 48 to 120 months for trafficking in a controlled substance and a concurrent prison term of 19 to 48 months for stop required on signal of a police officer.


The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 453.3385(1)(b); NRS 484B.550(3)(b), and Matsuuchi does not allege that those statutes are unconstitutional. *See*

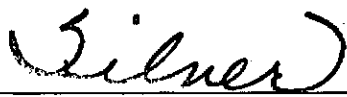
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Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Matsuuchi also does not allege the district court relied on impalpable or highly suspect evidence. See *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). We conclude the sentence 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. Kathleen E. Delaney, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk