IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW SCOTT RANSOM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58777

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of stolen property and possession of a firearm by an ex-felon. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

First, appellant Andrew Scott Ransom contends that the habitual criminal statute, NRS 207.010, "is unconstitutional because it delegates legislative power and discretion to the District Attorney without instruction or safeguards to prevent its arbitrary application in violation of [his] equal protection and due process rights." Initially, we note that Ransom did not object below to the habitual criminal adjudication. Further, Ransom fails to provide any cogent argument or persuasive authority in support of his contention. See generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). And finally, we previously rejected this constitutional challenge to the habitual criminal statute and decline to revisit the matter. See Hollander v. Warden, 86 Nev. 369, 373-74, 468 P.2d 990, 992 (1970).

Second, Ransom contends that the district court abused its discretion by imposing a disproportionate sentence which amounts to cruel

and unusual punishment. We disagree. Ransom has not alleged that the district court relied solely on impalpable or highly suspect evidence or demonstrated that the sentencing statute is unconstitutional. See Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Ransom's concurrent prison terms of 96-240 months fall within the parameters provided by the relevant statute, see NRS 207.010(1)(a), and the sentence is not so unreasonably disproportionate to the gravity of the offense and 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). We also note that Ransom received the sentence he stipulated to as part of the negotiated plea agreement. We conclude that the district court did not abuse its discretion at sentencing. See Parrish v. State, 116 Nev. 982, 988-89, 12 P.3d 953, 957 (2000). Accordingly, we

ORDER the judgment of conviction AFFIRMED.[1]

_____, J.
Douglas

_____, J.
Gibbons

_____, J.
Parraguirre

[1]Although we filed the fast track statement submitted by Ransom, it fails to comply with the Nevada Rules of Appellate Procedure. The procedural history, statement of facts, and legal argument sections refer to matters in the record without specific citation to the appendix, see NRAP 3C(e)(1)(C); NRAP 28(e)(1). Counsel for Ransom is cautioned that the failure to comply with the briefing requirements in the future may result in the fast track statement being returned, unfiled, to be correctly prepared and in the imposition of sanctions, NRAP 3C(n).

cc: Eighth Judicial District Court Dept. 5, District Judge
Edward B. Hughes
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk