

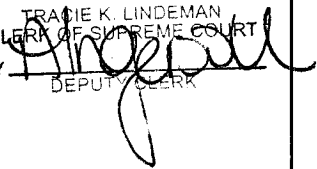
IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN JAMES FISHER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63361

**FILED**

NOV 14 2013

TRADIE 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 voluntary manslaughter with a deadly weapon. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

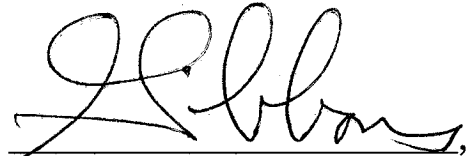
Appellant Justin James Fisher contends that the district court abused its discretion by imposing an excessive and disproportionate sentence constituting cruel and unusual punishment. Fisher specifically takes issue with the characterization of his offense as a “murder” by both the decedent’s sister and the district court prior to the imposition of the maximum sentence allowable under the sentencing statutes. We disagree with Fisher’s contention.

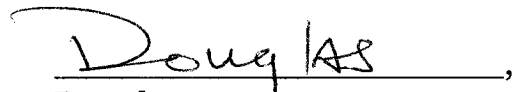
This court will not disturb a district court’s sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Fisher has not demonstrated that the district court relied solely on impalpable or highly suspect evidence or that the sentencing statutes are unconstitutional. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 489-90 (2009). Fisher’s two consecutive prison terms of 48-120 months fall within the parameters provided by the relevant statutes, *see* NRS 193.165(1)-(2); NRS 200.080, and the sentence imposed is not so unreasonably disproportionate to the gravity of the

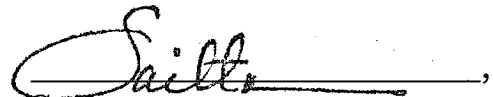
13-34166

offense as to shock the conscience, *see Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
Gibbons J.

  
Douglas J.

  
Saitta J.

cc: Hon. Patrick Flanagan, District Judge  
Scott W. Edwards  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

---

<sup>1</sup>On August 9, 2013, we entered an order rejecting appellant's fast track statement because it did not have 1-inch margins on all four sides, *see* NRAP 3C(h)(1); NRAP 32(a)(4), and it contained citations to the sentencing transcript rather than to the page in the appendix supporting the assertion, *see* NRAP 3C(e)(1)(C). The fast track statement subsequently submitted on August 19, 2013, contains the same deficiencies. Although we elected to file the deficient fast track statement in order to prevent any further delay in the resolution of this appeal, we once again caution counsel for appellant, Scott W. Edwards, that the future failure to comply with this court's orders and briefing requirements may result in the imposition of sanctions. NRAP 3C(n).