

IN THE SUPREME COURT OF THE STATE OF NEVADA

REESE ROBERT WALDRON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65166

**FILED**

**JUL 22 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

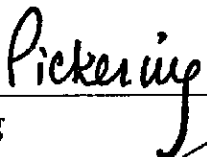
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted theft. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Appellant claims that his sentence of 19 to 48 months is disproportionate to the offense of attempted theft and constitutes cruel and unusual punishment. We disagree.


Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *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) (explaining that the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime). The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.330(1)(a)(4); NRS 205.0835(3), and appellant does not allege that those statutes are

unconstitutional. We note that appellant has several prior convictions for fraud related offenses and we are not convinced that the sentence imposed is so grossly disproportionate to the crime as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Robert W. Lane, District Judge  
Mountain West Lawyers  
Nye County District Attorney  
Attorney General/Carson City  
Nye County Clerk