

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CIRO CAMACHO, III,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77299-COA

FILED

OCT 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ciro Camacho, III appeals from a judgment of conviction entered pursuant to a guilty plea of sexual assault of a child under 14 years of age and two counts of use of a minor in producing pornography or as a subject of a sexual portrayal in a performance. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Camacho argues his sentence constitutes cruel and unusual punishment. Camacho contends the district court improperly imposed a lengthy sentence and an excessive fine despite his admission that he committed the crimes, his status as a veteran with PTSD, his mental health and substance abuse issues, and his lack of a lengthy criminal history. Camacho also asserts the district court should have considered that the sexual-abuse incident did not last a lengthy period of time.

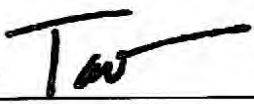
Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *Blume v. State*, 112 Nev. 472, 475, 915 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 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).

At the sentencing hearing, the district court heard the arguments of the parties. The district court acknowledged that Camacho had a difficult childhood, suffered from mental health issues, and served in the military. However, the district court noted Camacho sexually abused a three-year-old girl and concluded an aggregate sentence of life in prison with the possibility of parole in 55 years was the appropriate sentence. The district court also concluded a fine of \$100,000 for each of the pornography offenses was appropriate for Camacho's "particularly egregious conduct." The prison terms and fines imposed are within the parameters provided by the relevant statutes, *see* NRS 176.035(1); NRS 200.366(3)(c); NRS 200.750(2), and Camacho does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Nathan Tod Young, District Judge
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk