IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER D. HAWKINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78043-COA

FILED

FEB 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Christopher D. Hawkins appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of lewdness on a child under the age of 14 years. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Hawkins claims that the district court erred by denying his motion in limine to exclude text messages. However, the record demonstrates the district court denied the motion in limine *before* Hawkins entered his guilty plea, and the record does not demonstrate that Hawkins reserved the right to a review of the adverse determination of this pretrial motion. *See* NRS 174.035(3); *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the guilty plea). Therefore, we decline to review this claim of error.

Hawkins also claims that his sentence to two consecutive prison terms of life with the possibility of parole after 10 years constitutes cruel and unusual punishment. To this end, he argues the two crimes occurred close in time, his prior felony conviction should not have been considered,

he is capable of functioning successfully in society, and he voluntarily returned from Texas to face these charges.

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).

Hawkins' sentence falls within the parameters of the relevant statute. *See* NRS 201.230(2). Hawkins does not allege that this statute is unconstitutional. And we conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment.

Having concluded that Hawkins is not entitled to relief, we ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Leon Aberasturi, District Judge
Mouritsen Law
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk