

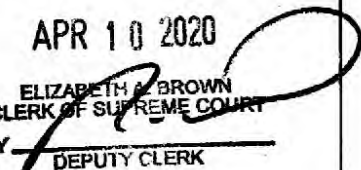
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TETRA RENAY WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78251-COA

FILED

APR 10 2020

ELIZABETH BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Tetra Renay Washington appeals from an order for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Washington was convicted pursuant to a guilty plea of burglary and sentenced to a prison term of 19 to 48 months. The sentence was suspended and Washington was placed on probation for a fixed term of five years. Washington subsequently stipulated to violating a condition of her probation. The district court revoked her probation and imposed a modified prison term of 14 to 36 months. Washington now asserts that the revocation of her probation and the imposition of the modified prison term constitutes cruel and unusual punishment because it denies her the opportunity to address her drug addiction in a meaningful way.¹

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


¹Because it is clear Washington is challenging the imposition of the modified sentence and not the originally imposed sentence, we reject the State’s argument that this court lacks jurisdiction to consider this claim.

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).

The modified sentence is within the parameters provided by the relevant statute, see NRS 205.060(2), and Washington does not allege that the statute is unconstitutional. Moreover, it was within the district court’s discretion to modify Washington’s original sentence and cause the modified sentence to be executed upon finding that Washington had violated a condition of her probation. NRS 176A.630(5). We conclude the modified sentence is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the order revoking probation and amended judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk