

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CODY WILLIAM GRIFFITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78711-~~COA~~

FILED

MAY 11 2020

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

ORDER OF AFFIRMANCE

Cody William Griffith appeals from a judgment of conviction entered pursuant to a guilty plea of attempted lewdness on a child under the age of 16. Eighth Judicial District Court, Clark County; James M. Bixler, Senior Judge.

Griffith claims that his 19- to 60-month prison sentence constitutes cruel and unusual punishment because it was imposed after his probation was revoked and while he was seeking to withdraw his guilty plea. Because this is an appeal from the original judgment of conviction and not the amended judgment of conviction, any challenge to events occurring after entry of the original judgment of conviction, including the revocation of probation or the sentence imposed after revocation, is not properly raised in this appeal. We therefore decline to address this claim.

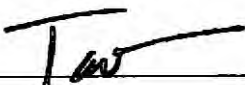
To the extent Griffith claims that his 19- to 60-month prison sentence, as imposed in his original judgment of conviction, constitutes cruel and unusual punishment, his claim lacks merit. Regardless of its severity, a sentence that falls within the statutory limits is not "cruel and unusual punishment 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).

Griffith’s sentence falls within the parameters of the relevant statutes. See NRS 193.130(2)(c); NRS 193.330(1)(a)(3); NRS 201.230(3). He does not allege that those statutes are unconstitutional. And we conclude that the sentence imposed is not grossly disproportionate to his crime and it does not constitute cruel and unusual punishment. Consequently, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Chief Judge, Eighth Judicial District Court  
Hon. James M. Bixler, Senior Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk