

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSICA ANN HOOD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84793-COA

FILED

FEB 23 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jessica Ann Hood appeals from a judgment of conviction entered pursuant to a no contest plea of two counts of low-level trafficking in controlled substances; sale or transport of a controlled substance, second offense; and abuse, neglect, or endangerment of a child. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

Hood argues that her sentence constitutes cruel and unusual punishment. Hood contends that her sentence was excessive in light of the circumstances surrounding the offenses and the sentence given to her codefendant. Hood also asserts that the district court should have provided an explanation for its sentencing decision.

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 listened to the arguments of the parties and Hood's statement. The district court imposed a term of 60 to 200 months for each count of low-level trafficking in controlled substances; a term of 24 to 120 months for sale or transportation of a controlled substance, second offense; and a term of 28 to 72 months for abuse, neglect, or endangerment of a child. The district court also ordered Hood to serve all counts consecutively, and the total aggregated sentence amounted to 172 to 592 months in prison.


The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 176.035(1); NRS 200.508(1)(b)(1); NRS 453.321(2)(b); NRS 453.3385(1)(a), and Hood does not allege that those statutes are unconstitutional. Additionally, "sentencing is an individualized process; therefore, no rule of law requires a court to sentence codefendants to identical terms," *Nobles v. Warden*, 106 Nev. 67, 68, 787 P.2d 390, 391 (1990), and Hood fails to demonstrate it was improper that she received a lengthier sentence than her codefendant. Moreover, Hood does not demonstrate that the district court erred by failing to articulate the basis for its sentencing decision. *See Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998) (holding that district courts are not required to articulate findings in support of the imposition of a particular sentence). 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.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kriston N. Hill, District Judge  
Jeff Kump, PLLC  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk