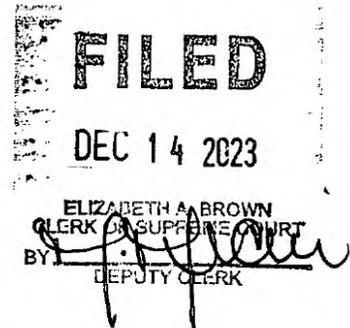


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

D'ANGELO ISAAC SI-MON COOKSIE,
A/K/A DANGELO ISAAC SI-MON
COOKSIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86198-COA



ORDER OF AFFIRMANCE

D'Angelo Isaac Si-Mon Cooksie appeals from a judgment of conviction, entered pursuant to a guilty plea, of robbery, attempted robbery, and discharging a firearm at or into an occupied structure. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

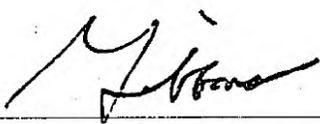
Cooksie argues that his sentence amounts to cruel and unusual punishment because the sentence is disproportionate to the crime when considering his individual characteristics.¹ Specifically, he claims the district court should have imposed a lesser sentence based on his age, difficult childhood, substance abuse issues, and lack of criminal history. Regardless of its severity, “[a] sentence within the statutory limits is not

¹The State argues that Cooksie waived his right to appeal his sentence in his guilty plea agreement. The waiver clause in Cooksie’s guilty plea agreement provided that he was waiving a direct appeal from his conviction, but that waiver does not prohibit him from appealing his sentence. *See Aldape v. State*, 139 Nev., Adv. Op. 42, 535 P.3d 1184, 1189-90 (2023) (holding that sentencing claims fall outside the scope of a waiver that specifies the defendant is waiving their right to a direct appeal of their conviction).

'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).

The terms imposed of 72 to 180 months in prison for robbery, 48 to 120 months in prison for attempted robbery, and 48 to 120 months in prison for discharging a firearm at or into an occupied structure were within the parameters provided by the relevant statutes, see NRS 193.153(1)(a)(2); NRS 200.380(2); NRS 202.285(1)(b), and Cooksie does not allege that those statutes are unconstitutional. We conclude, based on the facts of the crimes, that the aggregate sentence imposed of 120 to 300 months in prison² is not grossly disproportionate to the crimes and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²The terms for attempted robbery and robbery were ordered to run concurrently to one another, while the term for discharging a firearm was ordered to run consecutively to the other two terms.

cc: Hon. Tara D. Clark Newberry, District Judge
Pitaro & Fumo, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk