

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRACIE SHEARER A/K/A TRACIE L.
SLEDGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89480-COA

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

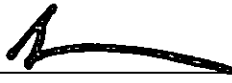
Tracie Shearer appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted lewdness with a child under the age of 14 and conspiracy to commit sexual assault. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.


Shearer contends her sentence constitutes cruel and unusual punishment based on the abuse she experienced from the codefendant, which led to her unwilling participation in the offenses, and based on the mitigating evidence she presented. Shearer alleges the district court mistakenly believed prison was the only form of punishment sufficient for the crimes committed. 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).

The district court sentenced Shearer to a prison term of 2 to 10 years for the attempted lewdness count and a concurrent prison term of 1 to 4 years for the conspiracy count. The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.153(1)(a)(1); NRS 199.480(1)(a); NRS 200.366(1); NRS 201.230(2), and Shearer does not allege that those statutes are unconstitutional. 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.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Ronald J. Israel, District Judge
Waldo Law, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk