

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ANDREW LEWIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53602

**FILED**

**NOV 12 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of threatening to cause bodily harm or death to a pupil or school employee by means of oral, written, or electronic communication. Sixth Judicial District Court, Pershing County; Michael Montero, Judge. The district court sentenced appellant Scott Andrew Lewis to a 12-month jail term, to be served concurrently with the sentence in another case.

The sole issue raised on appeal is whether the sentence constitutes cruel and unusual punishment in violation of the United States and Nevada constitutions.<sup>1</sup> U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. We conclude that this claim lacks merit. The sentence imposed is within the statutory limits. See NRS 392.915(2)(b); NRS 193.140 (providing for jail sentence of not more than one year for gross

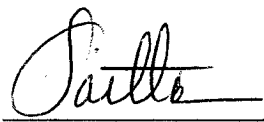
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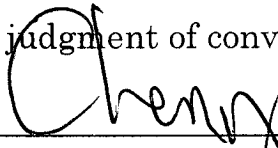
<sup>1</sup>Appellant appears to confuse the sentence challenged in this appeal with the one challenged in his other appeal, Docket No. 53603. Contrary to the arguments in the amended fast track statement, this case does not involve a charge of domestic battery and the court did not impose consecutive sentences.

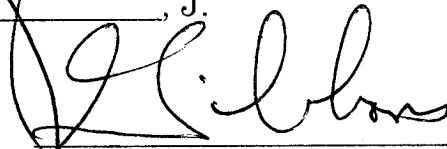
misdemeanor). Lewis has not alleged that the sentencing statutes are unconstitutional, and we conclude that the jail sentence is not grossly disproportionate to the offense for purposes of the constitutional prohibitions against cruel and unusual punishment. See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion). In particular, Lewis threatened the victim and others with bodily harm if the victim dated or had a physical relationship with anyone other than him, and he had a history of domestic violence and threats against the victim, including prior convictions for domestic battery. Lewis has not demonstrated that the sentence imposed constitutes cruel and unusual punishment.

Having considered Lewis' contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.<sup>2</sup>

  
Saitta, J.

  
Cherry, J.

  
Gibbons, J.

cc: Hon. Michael Montero, District Judge  
Pershing County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Pershing County District Attorney  
Pershing County Clerk

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<sup>2</sup>We note that the amended fast track statement is not in the proper form and caution counsel for appellant that his continued failure to comply with the requirements of NRAP 3C(e) and Form 6 of the NRAP Appendix of Forms in the future may result in the documents being returned unfiled and the imposition of sanctions. NRAP 3C(n).