

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER DON JONES A/K/A RAJA
JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55703

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

ROGER DON JONES A/K/A RAJA DON
JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55704

ROGER DON JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55705

ROGER DON JONES A/K/A RAJA DON
JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55706

ROGER DON JONES A/K/A RAJA DON
JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55707

ORDER OF AFFIRMANCE

These are consolidated appeals from five judgments of conviction, pursuant to five guilty pleas, of nine counts of burglary, three counts of grand larceny, and one count each of obtaining and using personal identification information of another, possession or sale of document or personal identifying information to establish false status or identity, and conspiracy. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge (Nos. 55703, 55707); Abbi Silver, Judge (No. 55704); Elissa Cadish, Judge (No. 55705); Jackie Glass, Judge (No. 55706). Appellant Roger Don Jones raises three issues on appeal.

First, Jones argues that despite being found competent by the district court, his guilty pleas were not voluntarily entered because of a diagnosed mental health condition. “Generally, we will not review a plea-validity challenge that is raised for the first time on appeal” unless: “(1) the error clearly appears from the record; or (2) the challenge rests on legal rather than factual allegations.” O’Guinn v. State, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002) (footnote omitted). As Jones has not

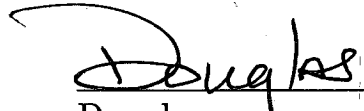
alleged that either of these exceptions applies, we decline to consider his contention on direct appeal.

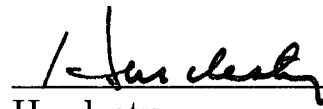
Second, Jones argues that the district court abused its discretion in sentencing him as a habitual criminal because his prior convictions were for stale non-violent felonies. See Sessions v. State, 106 Nev. 186, 190-91, 789 P.2d 1242, 1244-45 (1990) (reversing a conviction where defendant's prior felony convictions ranged from twenty-three to thirty years old and were for non-violent crimes). We disagree with Jones' contention that his prior convictions are stale. Jones was most recently convicted of burglary in May 2006, less than a year and a half before he committed the instant offenses. Furthermore, the habitual criminal statute "makes no special allowance for non-violent crimes." Arajakis v. State, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992). We therefore conclude that the district court did not abuse its discretion in adjudicating Jones a habitual criminal.

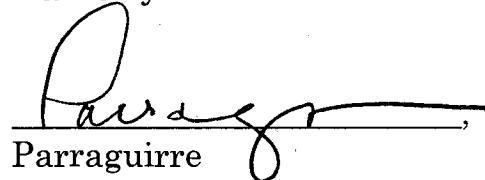
Finally, Jones argues that his sentences amount to cruel and unusual punishment. Jones has not challenged the constitutionality of any of the felony statutes on which he was convicted and the sentences are not so grossly disproportionate to the gravity of the offense and Jones' history of recidivism as to shock the conscience. See Ewing v. California, 538 U.S. 11, 29 (2003) (plurality opinion); Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Jones' sentences are well within the parameters provided by the relevant statutes. Accordingly, we conclude that the sentences imposed do not constitute cruel and unusual punishment.

Having considered Jones' arguments and concluded that they lack merit we

ORDER the judgments of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Jackie Glass, District Judge
Hon. Kathy A. Hardcastle, District Judge
Hon. Abbi Silver, District Judge
Hon. Elissa Cadish, District Judge
The Almase Law Group LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk