

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL EDWARDS A/K/A CARL DEAN  
EDWARDS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61993

**FILED**

JUL 22 2013

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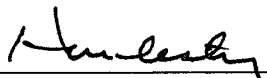
*ORDER OF AFFIRMANCE*

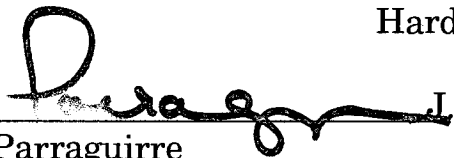
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery causing substantial bodily harm, a category C felony. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

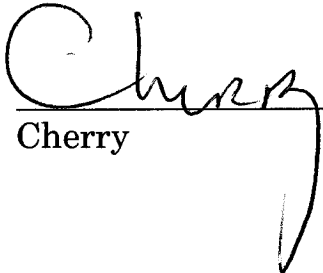
Appellant Carl Edwards claims that imposition of the maximum sentence allowed constitutes cruel and unusual punishment because he showed remorse and took responsibility for his actions. Regardless of its severity, a sentence that is "within the statutory limits is not 'cruel and unusual punishment unless 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 that 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 sentence imposed of 24 to 60 months in prison is within the

parameters provided by the relevant statutes, *see* NRS 200.481(2)(b); NRS 193.130(2)(c), and Edwards does not allege that those statutes are unconstitutional. The record demonstrates that Edwards hit the victim multiple times in the face with a closed fist and kicked her multiple times in the upper body. The victim sustained a facial fracture, bruising and a contusion resulting in facial disfigurement requiring substantial medical and dental intervention. Having considered the sentence and the crime, we are not convinced that the sentence imposed is so grossly disproportionate to the crime as to constitute cruel and unusual punishment. Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Stefany Miley, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk