

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAAL DION CONNORS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63875

**FILED**

**FEB 13 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *D. Malone*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

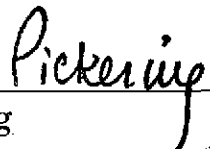
This is an appeal from a judgment of conviction, pursuant to an *Alford* plea, of attempted lewdness with a child under the age of 14 years. *North Carolina v. Alford*, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

Appellant Jamaal Dion Connors claims that the district court's failure to give him presentence credit from the time the criminal complaint was filed constitutes cruel and unusual punishment. We disagree.


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). Connors' prison term of 36-96

months is the sentence negotiated by the parties and is within the parameters provided by the relevant statutes, *see* NRS 201.230(2) (lewdness with a child under 14 is punishable as a category A felony); NRS 193.330(1)(a)(1) (attempt to commit category A felony punishable by prison term of 2 to 20 years), and Connors does not allege that those statutes are unconstitutional. Further, Connors is not entitled to any additional credit because, at the time the criminal complaint was filed in this case, Connors was serving a term of imprisonment in another case and received the credit he is seeking in his other case. NRS 176.055(1) (allowing credit "for the amount of time which the defendant has actually spent in confinement before conviction, unless the defendant's confinement was pursuant to a judgment of conviction for another offense"). We are not convinced that the sentence imposed is so grossly disproportionate to the crime as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Valorie J. Vega, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk