

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66371

FILED

FEB 04 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of three counts of robbery with the use of a deadly weapon and one count of first-degree kidnapping. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


The district court sentenced appellant to serve six consecutive prison terms of 36 to 90 months for the robbery convictions and deadly weapon enhancements and a concurrent prison term of 60 to 180 months for the kidnapping conviction. Appellate argues that these sentences constitute cruel and unusual punishment because he immediately took responsibility for his crimes and pleaded guilty.

Appellant has not demonstrated that the sentencing statutes are unconstitutional. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). And his sentences fall within the parameters of those statutes. *See* NRS 193.165(1); NRS 200.320(2)(b); NRS 200.380(2). We are not convinced that his sentences are so grossly disproportionate to the gravity of his offenses as to shock the conscience. *See Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion); *Blume*, 112 Nev. at 475, 915 P.2d at 284. Accordingly, we conclude that appellant's

sentences do not violate the constitutional proscriptions against cruel and unusual punishment.

Having concluded that appellant is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michael Villani, District Judge
Nobles & Yanez, PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The judgment of conviction erroneously states that appellant “entered a plea of guilty to the crimes of COUNTS 1, and 3” instead of “entered a plea of guilty to the crimes of COUNTS 1, 2, and 3.” Upon issuance of the remittitur, the district court shall enter an amended judgment of conviction that corrects this clerical error. See NRS 176.565; *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994).