


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEE VAL TOWLES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67847

FILED

AUG 25 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from an amended judgment of conviction entered pursuant to a guilty plea of disturbing the peace, a misdemeanor. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

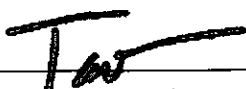
Appellant Dee Towles claims his six-month jail sentence constitutes cruel and unusual punishment because it was imposed to run consecutive to the life sentence he is already serving in another case and thereby renders his ability to make parole in that case an impossibility. Towles also claims his six-month sentence is disproportionate to the offense of disturbing the peace.

Regardless of its severity, “[a] sentence 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) (internal quotation marks omitted); *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).

Here, Towles' sentence falls within the parameters of the relevant statutes. See NRS 176.035(1); NRS 193.150(1); NRS 203.010. Towles does not allege that the relevant statutes are unconstitutional. And we are not convinced the sentence imposed is so grossly disproportionate to the crime as to constitute cruel and unusual punishment. Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kimberly A. Wanker, District Judge
David H. Neely, III
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk