

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN EDWARD BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65868

FILED

OCT 16 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, pursuant to a guilty plea, of possession of a firearm by a felon. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

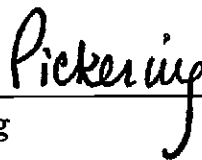
Appellant Justin Brown argues that his sentence of 19 to 48 months imprisonment is unconstitutionally excessive. Regardless of its severity, a sentence that is within the statutory limits is not “cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is 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 (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 is within the parameters provided by the relevant statute, see 2003 Nev. Stat., ch. 256, § 7, at 1352-53 (NRS 202.360(1)), and Brown does not allege that the statute is unconstitutional. Considering the nature and the circumstances of the 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.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. James M. Bixler, District Judge
Brent D. Percival
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk