

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BILLY G. ETHERIDGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68413

FILED

NOV 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of coercion, sexually motivated. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Billy Etheridge claims, because this was his first felony conviction, imposition of the maximum sentence is shocking and constitutes cruel and unusual punishment.

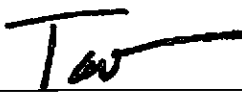
Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 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 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 district court sentenced Etheridge to serve consecutive prison terms of 28 to 72 months. The sentence imposed is within the

parameters provided by the relevant statute, *see* NRS 207.190(2)(a), and Etheridge does not allege that the statute is unconstitutional. Although the sentence imposed is the maximum sentence possible, considering the nature of the offense, we conclude the sentence imposed is not so grossly disproportionate to the crime as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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