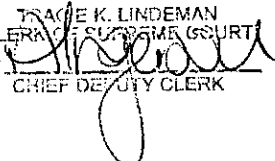# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68011

FILED

DEC 18 2015

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of robbery with the use of a deadly weapon and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant Christopher Roach claims his sentence, totaling 133 to 420 months in prison, constitutes cruel and unusual punishment and does not serve the interests of justice. Roach argues that he took full responsibility for the robberies, he was only 22 years old, he only had one prior felony conviction, his interactions with defense counsel were peaceful, and he suffers from long-term depression.
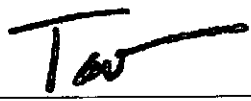
Regardless of its severity, a sentence that is within the statutory limits is not "'cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.'" *Blume v. State*, 112 Nev. 472, 475, 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

15-901593

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 statutes, *see* NRS 193.165; NRS 199.480(1)(a); NRS 200.380(2), and Roach does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not so grossly disproportionate to the crime as to constitute cruel and unusual punishment, and we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: Hon. Stefany Miley, District Judge
      The Almase Law Group LLC
      Attorney General/Carson City
      Clark County District Attorney
      Eighth District Court Clerk