

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JORDAN RANDALL BURKHART,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67051

FILED

DEC 29 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of robbery against a person over the age of 60. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Jordan Burkhart was sentenced to a prison term of 72 to 180 months for the robbery and a consecutive prison term of 72 to 240 months for committing the robbery against a person 60 years of age or older. He claims his sentence is excessive 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 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).


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Here, the sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.167(1); NRS 200.380(2), and Burkhart does not allege that those statutes are unconstitutional.¹ We conclude the sentence imposed is not so grossly disproportionate to the crime as to constitute cruel and unusual punishment.

Burkhart also claims his sentence was unfair and violates substantive due process as provided for by Article 1, § 8(5) of the Nevada Constitution. Because Burkhart failed to support this claim with any cogent argument, we declined to consider it on appeal. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹Unlike other additional-penalty statutes, NRS 193.167 does not limit the length of the additional penalty to the length of the sentence imposed for the crime.

cc: Hon. James E. Wilson, District Judge
Matthew D. Ence, Attorney & Counselor at Law
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk