

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANE ALEXANDER WINGFIELD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68822

**FILED**

FEB 17 2016

TRACIE K. LINDHMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of two counts of attempted sexual assault. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant Dane Wingfield was sentenced to two consecutive terms of 48 to 120 months in prison. He claims his sentence is excessive and constitutes cruel and unusual punishment.

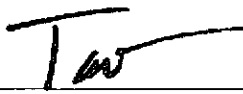
Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 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 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 statutes, see NRS 200.366(2); NRS 193.330(1)(a)(1), and

Wingfield does not allege those statutes are unconstitutional. 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 conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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