IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACKIE RAY JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69591

JACKIE RAY JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69597

FILED

MAY 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Docket No. 69591 is an appeal from a judgment of conviction entered in district court case number C-14-295383. Docket No. 69597 is an appeal from a judgment of conviction entered in district court case number C-14-295397. Eighth Judicial District Court, Clark County; Stefany Miley, Judge. We elect to consolidate these appeals for disposition purposes only. *See* NRAP 3(b).

Appellant Jackie Jones pleaded guilty to forgery in two separate cases and agreed to a sentence of two consecutive 19- to 48-month prison terms if he failed to appear at sentencing, failed to appear at his presentence investigation review, or was arrested or cited for any new offenses prior to sentencing. Thereafter, Jones failed to appear at sentencing and the district court sentenced him pursuant to his agreement.

16-900611

First, Jones claims the district court abused its discretion at sentencing because he took responsibility for his crimes and pleaded guilty. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

Jones' sentences fall within the parameters of the relevant statutes and he has not alleged the district court relied on impalpable or highly suspect evidence. *See* NRS 176.035(1); NRS 193.130(2)(d); NRS 205.090. Accordingly, we conclude the district court did not abuse its discretion at sentencing.

Second, Jones claims his sentences constitute 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).

Jones' sentences fall within the parameters of the relevant statutes, and he does not allege those statutes are unconstitutional. *See*

NRS 176.035(1); NRS 193.130(2)(d); NRS 205.090. Accordingly, we conclude the sentences imposed are not so grossly disproportionate to Jones' crimes as to constitute cruel and unusual punishment.

Having concluded Jones is not entitled to relief, we ORDER the judgments of conviction AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

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