

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM ANTHONY CHAPPELL JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70391

**FILED**

OCT 19 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

WILLIAM ANTHONY CHAPPELL JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70393

*ORDER OF AFFIRMANCE*

Docket No. 70391 is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, entered in district court case number C313315. Docket No. 70393 is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, entered in district court case number C313399. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Appellant William Anthony Chappell Jr., first argues the district court abused its discretion at the sentencing hearing.<sup>1</sup> Chappell argues the district court failed to consider his acceptance of responsibility for committing the crimes when imposing sentence. We review a district

<sup>1</sup>The district court conducted a single sentencing hearing for both cases.


court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). 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).

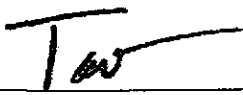
Our review of the record reveals the district court did not base its sentencing decision on impalpable or highly suspect evidence. During the sentencing hearing, the district court heard Chappell's arguments in mitigation and his acceptance of responsibility, but noted Chappell had a lengthy criminal history. The district court then sentenced Chappell to serve a prison term of 48 to 120 months in each case, with the sentences to run concurrent to each other. The sentences imposed are within the parameters of the relevant statute. *See* NRS 205.060(2). We conclude Chappell fails to demonstrate the district court abused its discretion when imposing sentence.

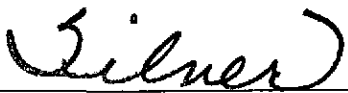
Second, Chappell argues his sentences constitute cruel and unusual punishment. "A sentence within the statutory limits is not cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (internal quotation marks omitted). As stated previously, Chappell's sentences fall within the parameters of the relevant statute, *see* NRS 205.060(2), and Chappell makes no argument that the statute is unconstitutional. In addition, Chappell's lengthy history of recidivism was properly considered when imposing the sentences and,

under these circumstances, his sentences are not so unreasonably disproportionate to his crimes so as to shock the conscience. See *Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion); *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion). Therefore, this claim lacks merit and we

ORDER the judgments of conviction AFFIRMED.

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

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

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

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