

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM ALBERT ROLLANS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70266

FILED

OCT 19 2016

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of attempted robbery and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

The district court adjudicated appellant William Rollans a habitual criminal for the attempted robbery count and sentenced him to a prison term of 72 to 180 months, and it imposed a concurrent prison term of 24 to 60 months for the conspiracy count. Rollans claims this sentence is cruel and unusual because he “took responsibility for his crime and pled guilty and indicated that he was in fact a drug addict and that this case stemmed from that addiction.”


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).

Here, the sentence imposed falls within the parameters of the relevant statutes, *see* NRS 199.480(1)(a); NRS 207.010(1)(a), and Rollans does not allege those statutes are unconstitutional. We note the record demonstrates Rollans has at least five prior felony convictions and evidence of these prior convictions was presented to the district court at sentencing. We conclude the sentence imposed is not so grossly disproportionate to the crime and Rollans' history of recidivism as to constitute cruel and unusual punishment. *See Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion).

To the extent Rollans also claims the district court abused its discretion at sentencing, we conclude his claim lacks merit. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009) (reviewing a district court's sentencing decision for abuse of discretion); *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (this court will not interfere with the sentence imposed "[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").

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk