

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAROLD EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71037

FILED

JUN 09 2017

ELIZABETH BROWN
CLERK OF APPELLATE COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Harold Edwards appeals a judgment of conviction, entered pursuant to a jury verdict, of possession of credit or debit card without cardholder's consent and battery on a protected person. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

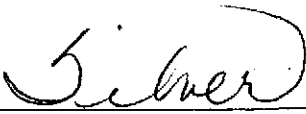
Appellant challenges his sentence as cruel and unusual. "Regardless of its severity, a sentence that is within the statutory limits is not cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Harte v. State*, 132 Nev. ___, ___, 373 P.3d 98, 102 (2016) (quoting *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996)); 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).

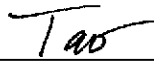
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The sentence imposed is within the parameters provided by the relevant statutes, see NRS 205.690, 193.130(2)(d),¹ and Edwards does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment.

Accordingly we,

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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

¹We note that Edwards's judgment of conviction erroneously labeled his five convictions for the crime of possession of credit cards without the cardholder's consent as "category C" felonies, but they are actually category D felonies. NRS 205.690. Still, Edwards's sentences fall within the parameters provided for category D felonies. See NRS 193.130(2)(d).