

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVAN JOHN SHAWVER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71868

**FILED**

SEP 13 2017

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

*ORDER OF AFFIRMANCE*

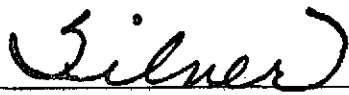
Evan John Shawver appeals from a judgment of conviction, pursuant to a guilty plea, of three counts of driving under the influence of intoxicating liquor. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Shawver contends his sentence is cruel and unusual because he received an aggregated sentence of 18 to 60 years in prison when he was only 28 years old. Regardless of its severity, 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) (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 statute, see NRS 484C.430(1), and Shawver does not allege those

statutes are unconstitutional. Further, we conclude the sentence imposed is not grossly disproportionate to the crimes, which resulted in the death of one victim and inflicted serious injury on two others. Shawver's sentence thus does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Jim C. Shirley, District Judge  
Pershing County Public Defender  
Attorney General/Carson City  
Pershing County District Attorney  
Pershing County Clerk