

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DELLANE BRYANT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72195

FILED

APR 11 2018

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

ORDER OF AFFIRMANCE


Dellane Bryant appeals from a judgment of conviction entered pursuant to a guilty plea of possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


Bryant claims his 26- to 72-month prison sentence constitutes cruel and unusual punishment because he was convicted based on his status as a felon and “[t]here was no allegation in this case about violence or use of that alleged firearm.”

Regardless of its severity, a sentence that falls 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).

Bryant's sentence falls within the parameters of NRS 202.360(1), and he does not allege this statute is unconstitutional. We note the record demonstrates Bryant committed the instant offense while on probation for another offense. And we conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment.

Having determined Bryant is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Nguyen & Lay  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk