

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMIE SCOTT HARRISON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72682

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jamie Scott Harrison appeals from a judgment of conviction entered pursuant to a guilty plea of carrying a concealed weapon or firearm. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Harrison argues his sentence of 19 to 60 months in prison constitutes cruel and unusual punishment because the district court did not consider Harrison's limited criminal record and personal circumstances when imposing sentence. Harrison also asserts his sentence was unduly harsh and disproportionate to his crime. 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) (Kennedy, J., concurring) (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 statutes, see NRS 193.130(2)(c); NRS 202.350(2)(b), and Harrison

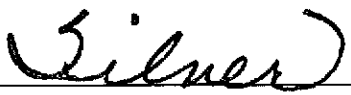
18-980254


does not allege those statutes are unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment.


Harrison also appears to argue the district court abused its discretion when it imposed sentence. We review a district 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).

The record reveals the district court did not base its sentencing decision on impalpable or highly suspect evidence. The district court heard the arguments of the parties, including information regarding Harrison's commission of a new carrying a concealed firearm offense during his own-recognizance release in this matter. The district court concluded a prison term of 19 to 60 months was the appropriate sentence in this matter and, as stated previously, the sentence is within the parameters of the relevant statutes. We therefore conclude the district court did abuse its discretion when imposing sentence.

Having concluded Harrison 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
Gregory & Waldo, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk