

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY LANG KEIZER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73453

FILED

JUN 29 2018

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

ORDER OF AFFIRMANCE

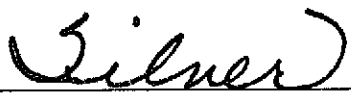
Jeffrey Lang Keizer appeals from a judgment of conviction, pursuant to a guilty plea, for felon in possession of an electronic stun device. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


Keizer contends his prison sentence violates the Eighth Amendment to the United States Constitution because it is cruel and unusual. He argues probation would have served the penal purpose just as well as a prison sentence would.


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 of 12 to 32 months imposed is within the parameters provided by the relevant statute, *see* NRS 202.357(5)(a), and Keizer does not allege that this statute is unconstitutional. And we conclude the sentence imposed is not grossly disproportionate to the crime. Further, the district court's finding that Keizer has repeatedly been convicted of failing to register as a sex offender and is thus "unsupervisable" is supported by the record and belies Keizer's claim that probation would serve the same purpose as prison. Accordingly, we conclude Keizer's sentence did not constitute cruel and unusual punishment, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Elliott A. Sattler, District Judge
Troy Curtis Jordan
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk