

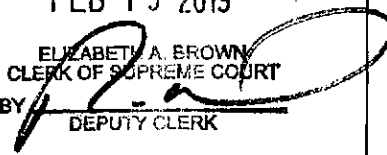
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES CURTIS IVEY, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75062-COA

FILED

FEB 15 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

James Curtis Ivey, Jr., appeals under NRAP 4(c) from a judgment of conviction entered pursuant to a guilty plea of robbery with the use of a deadly weapon and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

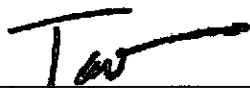
Ivey argues his sentence is cruel and unusual because he accepted responsibility for the crimes. Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate 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).

Ivey’s consecutive sentences totaling 133 to 420 months in prison fall within the parameters of the relevant statutes, *see* NRS 176.035(1); NRS 193.165(1); NRS 199.480(1)(a); NRS 200.380(2), and Ivey

does not argue the statutes are unconstitutional. Therefore, Ivey fails to demonstrate his sentence constitutes cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, A.C.J.  
Douglas

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

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

cc: Hon. Stefany Miley, District Judge  
Law Office of Julian Gregory, L.L.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk