

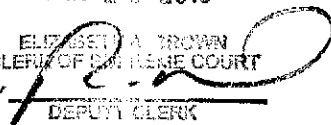
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ASHLEY B. CHRISTMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75296-COA

FILED

MAR 20 2019

ELIZABETH A. BROWN
CLERK OF DISTRICT COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Ashley B. Christmas appeals from a judgment of conviction entered pursuant to a guilty plea of six counts of discharging a firearm at or into an occupied structure, vehicle, aircraft, or watercraft. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Christmas argues his sentence amounts to cruel and unusual punishment because it is so disproportionate to his crimes that it shocks the conscience. 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 district court heard the arguments of the parties and Christmas’ statement. The district court expressed its concern that

innocent people could have been hurt when Christmas was shooting his firearm. The district court sentenced Christmas to serve six consecutive terms of 19 to 48 months in prison and ordered him to serve them consecutive to a prison term for a prior conviction. The sentence imposed is within the parameters provided by the relevant statutes, see NRS 176.035(1); NRS 202.285(1)(b), and Christmas does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crimes and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

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