

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY ALAN WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67888

**FILED**

NOV 19 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery and burglary. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Appellant Gregory Williams claims the district court abused its discretion at sentencing and his sentence constitutes cruel and unusual punishment because he took responsibility for his actions.

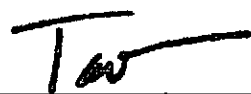
“The sentencing judge has wide discretion in imposing a sentence.” *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). This court will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or 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). 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) (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).

Williams confronted employees at convenience stores, simulated or threatened to have a firearm, and stole money from the cash registers. The district court sentenced Williams to a prison term of 28 to 72 months for the burglary conviction and a concurrent term of 48 to 120 months for the robbery conviction. Williams' sentence is within the parameters provided by the relevant statutes, *see* NRS 200.380(2); NRS 205.060(2), and he does not allege that the statutes are unconstitutional. Williams also does not allege that the district court relied on impalpable or highly suspect evidence. We have considered the sentence and the crime and we conclude the sentence imposed is not so disproportionate to the crime as to constitute cruel and unusual punishment and the district court did not abuse its discretion when imposing sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Carolyn Ellsworth, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk