

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ADAM TABOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77225

FILED

SEP 12 2019

ELIZABETH A. BROWN
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 one count of robbery with use of a deadly weapon and one count of felon in possession of a firearm. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Appellant Charles Tabor argues that his sentences of 66 to 180 months for robbery, 48 to 120 months for the deadly weapon enhancement, and 28 to 72 months for felon in possession of a firearm are unconstitutionally excessive.¹ We disagree.

This court has consistently afforded district courts wide discretion in criminal sentencing decisions. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). "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)). Tabor has not challenged the constitutionality of the

¹The aggregate sentence of imprisonment amounted to 142 to 372 months.

statutes nor their penalty range and the sentences imposed are within the statutory ranges for each offense. *See* NRS 200.380(2); NRS 193.165(1); NRS 202.360(1)(g); *see also* NRS 193.165(2) (requiring the deadly weapon enhancement to run consecutively with the underlying offense); NRS 176.035(1) (providing district court has discretion to run sentences consecutively).

Considering the nature and circumstances of the offenses, we are not convinced that the sentences imposed are so grossly disproportionate to the crimes as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Stiglich


_____, Sr. J.
Douglas

cc: Hon. Nathan Tod Young, District Judge
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

²The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.