


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REUBEN JOB CONKLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77885-COA

FILED

DEC 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Reuben Job Conkle appeals from a judgment of conviction, pursuant to a guilty plea, of robbery. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.


Conkle contends his sentence constitutes cruel and unusual punishment. 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).

Conkle’s sentence of 24 to 72 months is within the parameters provided by the relevant statute, see NRS 200.380(2), and Conkle does not allege that the statute is unconstitutional. We conclude the sentence

imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. John Schlegelmilch, District Judge
Mouritsen Law
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk