

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ESPIREDION VALERIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76867

FILED

MAR 17 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal pursuant to NRAP 4(c) from a judgment of conviction, pursuant to a jury verdict, of murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In 1988, appellant was convicted of murder with the use of a deadly weapon, and a jury imposed a death sentence. After being granted postconviction relief from the sentence, appellant received a new sentencing hearing before another jury in 2017. The jury imposed a sentence of life without the possibility of parole for the murder, and the district court imposed a consecutive sentence of life without the possibility of parole for the deadly-weapon enhancement.

On appeal, appellant makes four claims: that the district court erred in allowing the depravity-of-mind aggravating circumstance as it is unconstitutionally vague and fails to narrow the class of death-eligible defendants, that the term mutilation is unconstitutionally vague and fails to narrow the class of death-eligible defendants, that there was insufficient evidence of mutilation, and that cumulative error warrants relief.

All of appellant's claims relate to the depravity-of-mind aggravating circumstance alleged by the State in seeking the death penalty. Appellant, however, was not sentenced to death. As we have previously

