

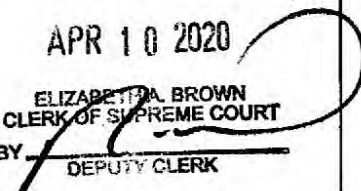
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEANDRE LACEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79145-COA

FILED

APR 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Leandre Lacey appeals from a judgment of conviction entered pursuant to a guilty plea of conspiracy to commit murder and voluntary manslaughter with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Lacey claims that his aggregate prison sentence of 126 to 360 months constitutes cruel and unusual punishment because it is extremely harsh in light of his limited criminal history and substantial community and family support, and it is grossly disproportionate to the lenient sentence that his accomplice received.

Regardless of its severity, a sentence that falls 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).

Lacey's sentence falls within the parameters of the relevant statutes, and he does not allege that any of these statutes are unconstitutional. See NRS 193.165(1); NRS 199.480(1)(b); NRS 200.080. We note the district court has discretion to impose consecutive sentences. See NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015). "We also note that sentencing is an individualized process; therefore, no rule of law requires a court to sentence codefendants to identical terms." *Nobles v. Warden*, 106 Nev. 68, 68, 787 P.2d 390, 391 (1990). And we conclude the sentence imposed is not so grossly disproportionate to Lacey's crimes so as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Gregory & Waldo, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk