

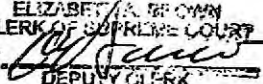
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM EDWARD JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79694-COA

FILED

SEP 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

William Edward Jones appeals from a judgment of conviction, entered pursuant to a guilty plea, of driving under the influence resulting in death. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

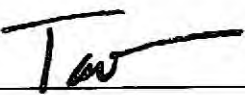
Jones contends the district court abused its discretion by imposing an excessive and disproportionate sentence amounting to cruel and unusual punishment. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will refrain from interfering with the sentence imposed by the district court “[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). And, 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).

Jones' sentence of 7 to 20 years in prison is within the parameters provided by the relevant statute. *See* NRS 484C.430. Jones does not allege that statute is unconstitutional. Jones also does not allege that the district court relied on impalpable or highly suspect evidence. The district court considered Jones' level of intoxication and that it led to the victim's death. Jones' argument that the victim's blood had controlled substances is not supported by substantial evidence in the record before this court, and Jones makes only a bare allegation that the substances would have impaired the victim's driving. Having considered the sentence and the crime, we conclude the sentence imposed is not grossly disproportionate to the crime, it does not constitute cruel and unusual punishment, and the district court did not abuse its discretion when imposing the sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
James J. Ruggeroli
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk