

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHERINE DEE FLETCHER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79393-COA

FILED

SEP 28 2020

ELIZABETH BRANNON
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Katherine Dee Fletcher appeals from a judgment of conviction, entered pursuant to a no contest plea, of burglary while in possession of a firearm. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.


Fletcher contends her sentence amounts to 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).

The sentence of 38 to 96 months in prison imposed is within the parameters provided by the relevant statute, *see* NRS 205.060(4), and Fletcher 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. Egan K. Walker, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk