

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDDIE JABARI WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

FREDDIE JABARI WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78997-COA

FILED

OCT 09 2020

ELIZABETH A. DEWAIN
CLERK OF APPEALS COURT
BY *[Signature]*
DEPUTY CLERK

No. 78998-COA

ORDER OF AFFIRMANCE

Freddie Jabari Wright appeals from judgments of conviction, entered pursuant to guilty pleas, in district court case number C-17-327826-1 (Docket No. 78997) and district court case number C-17-327825-1 (Docket No. 78998). In each case, Wright was convicted of a single count of driving under the influence. The cases were consolidated on appeal. See NRAP 3(b). Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Wright argues the district court abused its discretion by not following the stipulated sentences in his guilty plea agreements and his sentences amount to cruel and unusual punishment. The district court has

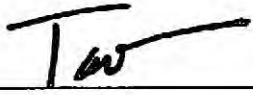
wide discretion in its sentencing decision. See *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). 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 concurrent sentences of 4 to 10 years in prison are within the parameters provided by the relevant statute, see NRS 484C.410(1), and Wright does not allege the statute is unconstitutional. Wright also does not allege the district court relied on impalpable or highly suspect evidence. Finally, Wright acknowledged in both his written guilty plea agreements and during his guilty plea canvasses that the district court was not obligated to accept the sentencing stipulations. We have considered the sentences and the crimes, and we conclude the sentences imposed are not

grossly disproportionate to the crimes, they do not constitute cruel and unusual punishment, and the district court did not abuse its discretion when imposing the sentences. Therefore, we

ORDER the judgments of conviction AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Douglas W. Herndon, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹To the extent Wright challenges the basis of the district court's sentencing decisions, Wright has not provided this court with a transcript of the sentencing hearings. He therefore fails to demonstrate the district court abused its discretion. See *Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant.").