

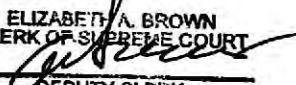
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTIAN IVAN CONEJO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80713-COA

**FILED**

OCT 28 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Christian Ivan Conejo appeals from a judgment of conviction, pursuant to an *Alford*<sup>1</sup> plea, of two counts of attempted lewdness with a minor under fourteen years of age. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Conejo contends his sentence constitutes cruel and unusual punishment because the district court imposed the maximum terms allowed by statute. 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*,

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<sup>1</sup>*North Carolina v. Alford*, 400 U.S. 25 (1970).

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 consecutive sentences of 8 to 20 years in prison are within the parameters provided by the relevant statutes, *see* NRS 193.330(1)(a)(1); NRS 201.230(2), and Conejo does not allege that those statutes are unconstitutional. Conejo also does not allege the district court relied on impalpable or highly suspect evidence. We have considered the sentences and the crimes, and we conclude the sentences imposed are not grossly disproportionate to the crimes and do not constitute cruel and unusual punishment. Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michelle Leavitt, District Judge  
Las Vegas Defense Group, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk