

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LOUIS ALEXANDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80378-COA

FILED

DEC 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Louis Alexander appeals from a judgment of conviction, entered pursuant to a guilty plea, of coercion with the use of a deadly weapon. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

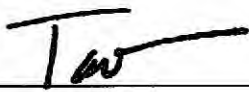
Alexander contends his stipulated prison sentence constitutes cruel and unusual punishment. Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate 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).

Alexander argues that, in light of his mental health issues and lack of extensive criminal history, the district court should have granted probation rather than impose the stipulated terms of imprisonment. Alexander committed a violent crime, has multiple prior convictions for

violent offenses, and had a prior term of probation revoked. The two consecutive terms of 12 to 30 months in prison that the district court imposed are within the parameters provided by the relevant statutes, see NRS 193.165(1); NRS 207.190(2)(a), and Alexander does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. William D. Kephart, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk