

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VONG VANG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83464-COA

FILED

JAN 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
Elizabeth A. Brown
DEPUTY CLERK

ORDER OF AFFIRMANCE

Vong Vang appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempt to obtain and use personal identifying information of another person to avoid or delay prosecution. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

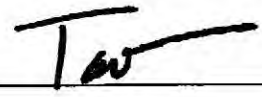
Vang claims his sentence amounts to cruel and unusual punishment because it makes no measurable contribution to the goals of punishment and is grossly disproportionate to the severity of the crime.

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).

Vang's sentence of 364 days in county jail is within the parameters provided by the relevant statutes, *see* NRS 193.330(1)(a)(4); NRS 205.463(2), and Vang 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. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Thomas W. Gregory, District Judge
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk