

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARNELL BUCHANAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82869-COA

FILED

FEB 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Darnell Buchanan appeals from a judgment of conviction, entered pursuant to a guilty plea, of robbery. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Buchanan claims his 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 district court imposed the stipulated sentence of 36 to 120 months in prison. The sentence imposed is within the parameters provided by the relevant statute, see NRS 200.380(2), and Buchanan 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. Erika D. Ballou, District Judge
The Law Office of David R. Fischer
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk