

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEPHEN ALLEN FREDERICK, A/K/A
STEPHEN ALLEN FREDRICK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83962-COA

FILED

JUL 27 2022

ELIZABETH A. SPYMAN
CLERK OF APPEALS COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

Stephen Allen Frederick appeals from a judgment of conviction, entered pursuant to a guilty plea, of transporting a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Frederick argues the district court abused its discretion by imposing the maximum sentence possible without considering the “individualized circumstances” of his case and without articulating any rationale for its decision. Frederick further argues that his sentence violates his Eighth Amendment right against cruel and unusual punishment. Frederick also claims his sentence contravened Nevada public policy.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[s]o long as the record does not demonstrate prejudice resulting from consideration

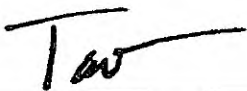
of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Regardless of its severity, “[a] sentence within the statutory 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).

Frederick’s sentence of 24 to 60 months in prison is within the parameters provided by the relevant statutes, see NRS 453.321(2)(a); NRS 193.130(2)(c), and Frederick does not allege that those statutes are unconstitutional. Frederick also does not allege the district court relied on impalpable or highly suspect evidence. Further, the district court was not required to articulate its reasons for imposing a particular sentence. See *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). We have considered the sentence and the crime, and we conclude the sentence imposed is not grossly disproportionate to the crime, it does not constitute cruel and unusual punishment, Frederick failed to demonstrate his sentence contravened Nevada public policy, and the

district court did not abuse its discretion when imposing Frederick's sentence.¹ Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk

¹To the extent Frederick argues the district court violated his "fifth amendment guarantees of due process," we decline to consider the argument. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").