


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE BERNARD KARP, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85778-COA

FILED

AUG 25 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER OF AFFIRMANCE AND REMANDING TO CORRECT
JUDGMENT OF CONVICTION*

George Bernard Karp, Jr., appeals from a judgment of conviction, entered pursuant to an *Alford*¹ plea, of attempted sexual assault. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Karp argues that the district court abused its discretion in imposing a prison sentence because he was 54 years old at the time of sentencing and had no prior criminal history. Karp also argues that his sentence constitutes cruel and unusual punishment.

The district court has wide discretion in its sentencing decision, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), including whether to grant probation, *see* NRS 176A.100(1)(c). 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,

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

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).

Karp’s sentence of four to ten years in prison is within the parameters provided by the relevant statutes, see NRS 193.153(1)(a)(1) (formerly NRS 193.330); NRS 200.366(2), and Karp does not allege that those statutes are unconstitutional. Karp also does not allege the district court relied on impalpable or highly suspect evidence. 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, and the district court did not abuse its discretion when imposing sentence.

A review of the record on appeal reveals that the judgment of conviction contains a clerical error. It incorrectly states that Karp entered a plea of guilty. The guilty plea agreement and plea canvass transcript contained in the record indicate Karp in fact pleaded guilty pursuant to *Alford*. Because the district court has the authority to correct a clerical error at any time, see NRS 176.565, we direct the district court, upon remand, to enter a corrected judgment of conviction accurately reflecting Karp’s plea as guilty pursuant to *Alford*. Accordingly, we

ORDER the judgment of conviction AFFIRMED and REMAND
to the district court to correct the judgment of conviction.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon Jacqueline M. Bluth, District Judge
The Draskovich Law Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk