

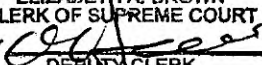
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY ROBERT WURTH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87184-COA

**FILED**

**AUG 08 2024**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Timothy Robert Wurth appeals from a judgment of conviction, entered pursuant to a guilty plea, of aggravated stalking and violation of an extended order for protection. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.


Wurth argues that his sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment. He contends his sentence of 72 to 180 months' imprisonment shocks the conscience and is excessive. 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 sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(c); NRS 200.575(3); NRS 200.591(5)(b), and Wurth 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 conclude that Wurth is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. John Schlegelmilch, District Judge  
Walther Law Offices, PLLC  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk