

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN NICHOLAS CARLIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87754-COA

FILED

NOV 07 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

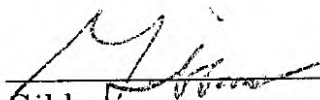
Kevin Nicholas Carlin appeals from a judgment of conviction, entered pursuant to a guilty plea, of an offense involving a stolen vehicle. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

Carlin argues that his sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment. He contends his sentence of 24-60 months in prison is unduly and unfairly 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 205.273(3), and Carlin does

not allege either that the statutes are unconstitutional or that the sentence is grossly disproportionate to the crime. Nonetheless, having considered the sentence and the crime, we conclude that the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Therefore, Carlin 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  
Ristenpart Law  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk