

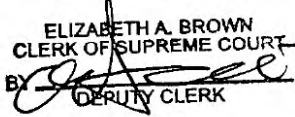
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC DONOVAN MEALS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87466-COA

FILED

JAN 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Eric Donovan Meals appeals from a judgment of conviction, entered pursuant to a guilty plea, of establishing or possessing a financial forgery laboratory.¹ Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

Meals argues that his sentence of 8 to 20 years in prison constitutes 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

¹Meals filed his notice of appeal pro se and included argument challenging his conviction and sentence in the notice. The Nevada Supreme Court ordered a limited remand for the appointment of counsel. Counsel was appointed and filed briefing on Meals’ behalf. Because an appellant may not proceed on direct appeal without counsel, *see* NRAP 46(A)(b)(1); *Blandino v. State*, 112 Nev. 352, 356, 914 P.2d 624, 627 (1996), we do not consider the arguments advanced by Meals in his pro se notice of appeal.

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 statute, *see* NRS 205.46513(2), and Meals does not argue that this statute is unconstitutional. Rather, Meals contends that his sentence shocks the conscience because he had overcome his history with drug addiction; he was continuing to participate in treatment programs; he was engaged in fulltime employment; he had the support of family; and his offense was non-violent, drug-related, and lacked a physical victim.

Meals presented this mitigation argument to the district court, and the district court determined that the aforementioned prison sentence was warranted. After review, we conclude that Meals’ sentence is not so unreasonably disproportionate to the offense so as to shock the conscience

and thus does not constitute cruel and unusual punishment.² Therefore, Meals is not entitled to relief on this claim.³ Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²We note that Meals was initially charged with nine separate counts and that he had previously been convicted of 16 felonies and 5 misdemeanors.

³To the extent Meals argues his sentence is excessive, this court does “not review nondeath sentences for excessiveness.” *Harte v. State*, 132 Nev. 410, 415, 373 P.3d 98, 102 (2016); *see also Sims v. State*, 107 Nev. 438, 440, 814 P.2d 63, 64 (1991) (recognizing that, although this court should not “superimpose its own views on sentences of incarceration lawfully pronounced by our sentencing judges,” the court’s “prerogatives and responsibilities are different in capital cases where the Legislature has statutorily mandated a sentence review by this court to assure that the sentence of death is not excessive given the defendant and the crime”).

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