

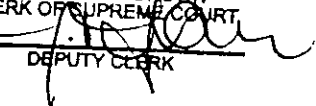
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOFER DESHON RICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88569-COA

FILED

MAR 07 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christofer Deshon Rice appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery with the use of a deadly weapon resulting in substantial bodily harm, robbery with the use of a deadly weapon, and battery with the use of a deadly weapon resulting in substantial bodily harm—victim is an older person. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Rice argues his sentences totaling 24 to 60 years in prison amount to cruel and unusual punishment because they are grossly disproportionate to his actions in this case and shock the conscience. Citing the dissenting opinions in *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (Springer, J., dissenting) and *Tanksley v. State*, 113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting), Rice argues this court should review his “abnormally disproportionate sentences for excessiveness” and contends that he should have received shorter sentences in light of his mitigation information.

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).

Prior to sentencing, Rice submitted multiple character letters and underwent a psychosocial evaluation that discussed Rice’s history of trauma, abuse, incarceration, substance abuse, and mental health issues. At the sentencing hearing, the district court listened to the parties’ arguments. Before imposing sentence, the district court noted Rice’s difficult background and history of abuse but also noted Rice’s criminal history, the circumstances of the crimes, and the risk Rice posed to the community. Nothing in the record suggests the district court did not consider Rice’s mitigation evidence before imposing sentence. Rather, the record reflects the district court’s consideration of both mitigating and aggravating circumstances before imposing sentence.

The sentences imposed are within the parameters provided by the relevant statutes,¹ see NRS 176.035(1); NRS 193.165(1); NRS


¹For his conviction of battery with the use of a deadly weapon resulting in substantial bodily harm (Count I), the court sentenced Rice to 6 to 15 years in prison. For his conviction of robbery with the use of a deadly weapon (Count II), the court sentenced Rice to 6 to 15 years in prison with a consecutive 6-to-15-year prison term for the deadly weapon enhancement. For his conviction of battery with the use of a deadly weapon resulting in substantial bodily harm—victim is an older person (Count III), the court sentenced Rice to 6 to 15 years in prison with a consecutive 6-to-15-year prison term for the elderly victim enhancement. Count II was ordered to

193.167(1); NRS 200.380(2); NRS 200.481(2)(e)(2), Rice does not allege that those statutes are unconstitutional, and the terms of imprisonment imposed by those statutes serve a valid punitive purpose, *see Mariscal-Ochoa v. State*, 140 Nev., Adv. Op. 42, 550 P.3d 813, 823-24 (2024). Considering that Rice's crimes were severe, that he stabbed two individuals in the neck with a knife without any provocation, and that he told officers he did not care if the victims lived or died, we conclude the sentences imposed are not unreasonably disproportionate to the crimes as to shock the conscience and thus do not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.

Bulla


_____, J.

Gibbons


_____, J.

Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

run concurrently with Count I and count III was ordered to run consecutively to Count II.