

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KALEB RAY DUCKSWORTH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88326-COA

**FILED**

MAR 11 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kaleb Ray Ducksworth appeals from a judgment of conviction, entered pursuant to a guilty plea, of coercion and misdemeanor battery constituting domestic violence. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.


Ducksworth argues the district court abused its discretion and imposed a cruel and unusual sentence by imposing an extended prison term without regard to Ducksworth's need for treatment. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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, 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).

The district court imposed a prison term of 18 to 72 months for the coercion count and credit for time served for the misdemeanor count. The sentences imposed are within the parameters provided by the relevant statutes, see NRS 200.485(1)(a); NRS 207.190(2), and Ducksworth does not allege that those statutes are unconstitutional. He also does not allege the district court relied on impalpable or highly suspect evidence.<sup>1</sup> 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. Therefore, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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<sup>1</sup>To the extent Ducksworth contends the presentence investigation report (PSI) contained inappropriate information and thus the district court relied on highly suspect or impalpable evidence when it relied on the PSI, he improperly raised these arguments for the first time in his reply brief. See NRAP 28(c). We therefore decline to consider them.

cc: Hon. Ronald J. Israel, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk