


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ZACHARY HAVANSEK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88969-COA

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Zachary Havansek appeals from a judgment of conviction, entered pursuant to a guilty plea, of sexual assault and lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.


Havansek contends his prison sentence of two consecutive terms of life with the possibility of parole after ten years constitutes cruel and unusual punishment. Havansek argues that his limited criminal history, his lack of violence or sexually related offenses, and his troubled childhood warranted a more lenient sentence and that the district court disregarded the information he provided and simply imposed the maximum sentence. 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 200.366(2)(b); NRS 201.230(2), and Havansek does not allege those statutes are unconstitutional. Having considered the sentence and the crime, we conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Crystal Eller, District Judge
Waldo Law, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk