

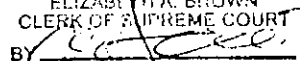
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC SHAWN RIDGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89079-COA

FILED

MAY 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Eric Shawn Ridge appeals from a judgment of conviction, entered pursuant to a guilty plea, of driving under the influence of an intoxicating liquor and/or a prohibited controlled substance, with a prior felony conviction. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

Ridge argues the district court abused its discretion in imposing his sentence and by running his sentence consecutive to an existing prison sentence. Specifically, Ridge contends (1) the district court disregarded several mitigating factors, including his history of substance abuse and his efforts to reform himself; and (2) the district court erroneously believed he had been convicted of “an actual felony DUI” in his other case “even though he was convicted of attempted felony DUI.” Ridge also argues his sentence constitutes cruel and unusual punishment.

The district court has wide discretion in its sentencing decision, including its determination to run a sentence consecutive to a prior sentence. *See* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *see also 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).

Ridge’s sentence of 4 to 15 years in prison is within the parameters provided by the relevant statute, *see* NRS 484C.410(1)(a), and Ridge does not allege that this statute is unconstitutional. To the extent Ridge contends the district court relied on impalpable or highly suspect evidence because it misunderstood his prior conviction, we reject this claim. At sentencing, the district court stated that Ridge was “arrested in Carson City for a DUI felony” four months prior to the instant offense and that he was “sentenced to attempt” in that matter, which is consistent with the presentence investigation report (PSI).¹ There is no indication the district

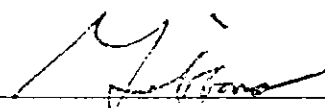
¹Ridge did not identify any factual inaccuracies in the PSI below, and he does not contend the PSI is inaccurate on appeal.


court believed Ridge was convicted of a crime other than that for which he was convicted.

Moreover, the fact that the district court did not recite Ridge's mitigating evidence when imposing its sentencing decision does not, in itself, demonstrate the court disregarded that evidence. Rather, defense counsel argued Ridge's mitigating factors at sentencing, and the district court determined that Ridge's criminal history, including his recent conviction for a similar offense, warranted the sentence imposed. Having considered the sentence and the crime, we conclude that the district court did not abuse its discretion by imposing Ridge's sentence and that the sentence is not so grossly disproportionate to the crime so as to constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


Bulla C.J.


Gibbons J.


Westbrook J.

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