


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVIN JAY REESE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89687-COA

FILED

JUN 03 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Devin Jay Reese appeals a judgment of conviction, entered pursuant to a guilty plea, of driver evade, elude, or fail to stop on signal of peace officer, endangering other person or property and take or possess vehicle without owner's consent. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Reese contends his sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment. He argues that he should not have been sentenced to the higher range of legal sentences available considering his significant mental health issues. He asserts the district court's frustration with his attitude and failure to get healthy in the mental health diversion program unfairly influenced the sentence he received.

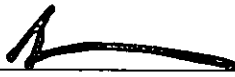
The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable

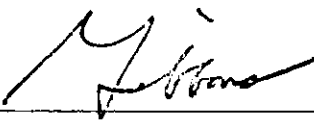
or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment 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 two to six years for evasion or failure to stop on the signal of a police officer, endangering other people or property and a consecutive 364-day sentence for taking or possessing a vehicle without the owner’s consent. These sentences are within the parameters provided by the relevant statutes, *see* NRS 193.140; NRS 205.2715(1); NRS 484B.550(3)(b); *see also* NRS 176.035(1) (providing that district courts have discretion to run sentences consecutively or concurrently), and Reese does not allege that those statutes are unconstitutional. He also does not allege the district court relied on impalpable or highly suspect evidence. Reese insists that the district court improperly relied on his failure to respond to treatment while in the diversion program in imposing sentence, but the record indicates the court was instead frustrated with Reese’s disregard of the rules, testing, and treatment programs that would have helped him successfully complete the program. We have considered the sentence and the crime, and 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. Kathleen A. Sigurdson, District Judge
Orrin Johnson Law
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk