

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADDY GONZALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89964-COA

FILED

SEP 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Melissa Galle
DEPUTY CLERK

ORDER OF AFFIRMANCE

Addy Gonzales appeals from a judgment of conviction, entered pursuant to a guilty plea, of four counts of child abuse, neglect, or endangerment. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

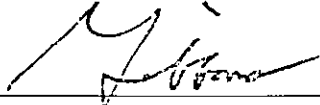
Gonzales argues her sentence of four consecutive prison terms of 28 to 72 months constitutes cruel and unusual punishment. Additionally, relying on *Cameron v. State*, 114 Nev. 1281, 968 P.2d 1169 (1998), Gonzales argues the district court was biased because the district court closed its mind to the presentation of her mitigation evidence. 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). And the “remarks

of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence." *Cameron*, 114 Nev. at 1283, 968 P.2d at 1171.

The sentences imposed are within the parameters provided by the relevant statute, *see* NRS 200.508(1)(b)(1), and Gonzales does not allege that statute is unconstitutional. We conclude the sentences imposed are not disproportionate to the crime and do not constitute cruel and unusual punishment. Further, Gonzales fails to demonstrate the district court was biased against her because the district court stated it had considered the documents presented at sentencing as well as the statements and arguments of the parties. Based on this record, we conclude the district court did not "close[] his or her mind to the presentation of all the evidence." *Cameron*, 114 Nev. at 1283, 968 P.2d at 1171. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Joseph Hardy, Jr., District Judge
John Million Turco Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk