IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB JEREMY EMAMI, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 89847
JACOB JEREMY EMAMI, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 89848

FILED

NOV 20 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction, pursuant to guilty pleas, of attempt to commit sexual assault against a child under 14 years of age; attempt to use or permit a minor, age 14 or older, to be the subject of a sexual portrayal in a performance; and lewdness committed by a person over 18 with a child 14 or 15 years of age. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Jacob Jeremy Emami was charged in separate cases with offenses arising out of sexual misconduct with several minors. Emami pleaded guilty to three offenses. At sentencing, Emami produced letters of community support and offered several character witnesses. The State introduced several victim-impact letters, and several victims testified to the impact of Emami's crimes on them. The district court sentenced Emami to the maximum available term for each offense, to be served consecutively, imposing an aggregate term of 20 to 50 years.

25-50809

Emami first argues that the district court erred in considering a victim-impact letter that was not timely disclosed. Emami argues further that the letter contained suspect or impalpable evidence. We review a district court's sentencing decision for an abuse of discretion and will not disturb a sentence unless it resulted solely from impalpable or highly suspect evidence. *Todd v. State*, 113 Nev. 18, 25, 931 P.2d 721, 725 (1997). In imposing sentence, the court noted the letters in support of Emami, the evaluation of Emami's intellectual disability, the victim-impact evidence, and the presentence investigation report. Nevada Rule of Criminal Practice 14(3)(B) provides that a party may object to the consideration at sentencing of late-filed documents and the sentencing court may elect to consider the documents over the objection. After Emami objected to the untimely letter here, the district court granted a recess for the defense to consider the letter before permissibly receiving it over the defense objection and continuing the sentencing proceeding. Emami has not shown that relief is warranted in this regard.

Emami next argues that a reference in that victim-impact letter to an abortion allegedly due to Emami's crimes was highly inflammatory. This statement did not exceed the scope of permissible victim-impact testimony, as a victim may "[r]easonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution." NRS 176.015(3)(b). Moreover, the sentencing court specifically noted that it disregarded that statement in imposing sentence and thus the sentence did not result from that comment. We conclude that Emami has failed to show that relief is warranted in this regard.

Emami next argues that imposing the maximum sentence was cruel and unusual punishment and unconstitutionally disproportionate in

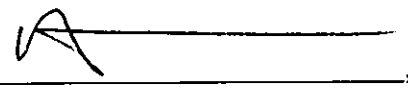
light of his intellectual disability. He argues that the intellectual disability should have rendered him akin to a juvenile for sentencing purposes. "A sentence does not constitute cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979). As in *Culverson*, Emami "does not challenge the constitutionality of the statutes and the sentence imposed is well within statutory limits; and therefore, this argument is without merit." *Id.* at 435, 596 P.2d at 222; *see also Rummel v. Estelle*, 445 U.S. 263, 272 (1980) ("Outside the context of capital punishment, successful challenges to the proportionality of particular sentences have been exceedingly rare.").

Emami misplaces his reliance on *Kennedy v. Louisiana*, 554 U.S. 407 (2008), *Roper v. Simmons*, 543 U.S. 551 (2005), and *Atkins v. Virginia*, 536 U.S. 304 (2002), as they are death penalty cases. "[D]ecisions applying the prohibition of cruel and unusual punishments to capital cases are of limited assistance in deciding the constitutionality of the punishment [in noncapital cases]," such as this one. *Rummel*, 445 U.S. at 272. Further, *Graham v. Florida*, 560 U.S. 48 (2010), is distinguishable in that it involved a sentence of life without the possibility of parole, and the aggregate sentence imposed here is 50 years with parole eligibility after 20 years, which is not the functional equivalent of a life-without-parole sentence. *See State v. Boston*, 131 Nev. 981, 988, 363 P.3d 453, 458 (2015) ("[T]he decision in *Graham* applies to juvenile offenders with aggregate sentences that are the functional equivalent of life without the possibility of parole."). Moreover, Emami offers no authority supporting the proposition that a defendant's purported mental age due to disability entails that

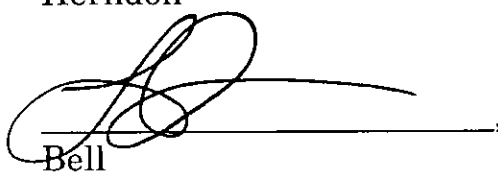
jurisprudence governing the sentencing of juveniles applies. *Cf. Roper*, 543 U.S. at 574 (observing that developmental qualities of a juvenile do not disappear at age 18 but that 18 years of age constitutes a bright-line limit for death-penalty eligibility). We conclude that Emami has not shown that relief is warranted in this regard.

Having considered Emami's contentions and concluded that relief is not warranted, we

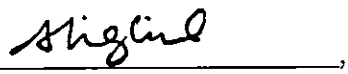
ORDER the judgments of conviction AFFIRMED.



_____, C.J.
Herndon



_____, J.
Bell



_____, J.
Stiglich

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk