

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN RODLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91035 COA
FILED

MAR 23 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Rodler appeals from a judgment of conviction, entered pursuant to a guilty plea, of second-degree arson and battery constituting domestic violence. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.


Rodler contends that his sentence of four to ten years in prison for the second-degree arson offense amounts to cruel and unusual punishment and that the district court ignored his mitigating evidence. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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).

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Here, the sentence imposed for the second-degree arson count is within the parameters provided by the relevant statute, *see* NRS 205.015, and Rodler does not allege that the statute is unconstitutional. We conclude the sentence imposed is not disproportionate to the crime and does not constitute cruel and unusual punishment. Furthermore, the record does not demonstrate the district judge “closed his or her mind to the presentation of all the evidence.” *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Accordingly,¹ we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Rodler also appears to argue the district court abused its discretion by considering impalpable or highly suspect evidence included in the victim’s impact statement. To the extent Rodler is advancing such a claim, he did not object to the district court’s consideration of the statement, and he does not argue on appeal that it was plain error for the district court to consider the statement. We thus conclude he has forfeited this claim, and we decline to review it on appeal. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018); *Miller v. State*, 121 Nev. 92, 99, 110 P.3d 53, 58 (2005) (stating it is the appellant’s burden to demonstrate plain error).

cc: Hon. Tara D. Clark Newberry, District Judge
Boley Law Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk