

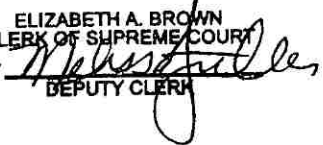
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEGIA MITCHELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91113-COA

FILED

APR 03 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kegia Mitchell appeals from an amended judgment of conviction, entered pursuant to an *Alford*¹ plea, of voluntary manslaughter with the use of a deadly weapon and assault with a deadly weapon. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

First, Mitchell claims the district court failed to articulate specific findings in support of the deadly weapon enhancement as required by NRS 193.165(1) and *Mendoza-Lobos*, 125 Nev. 634, 218 P.3d 501 (2009). She asserts she was prejudiced by the district court's failure to make specific findings because she has no ability to discern what factors or information the district court considered in assessing her conduct.

Mitchell did not object to the sufficiency of the district court's findings during sentencing. We therefore review this claim for plain error. *See Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 507. "Under plain-error analysis, an error that is plain from the record requires reversal if a defendant demonstrates that the error affected his or her substantial

¹*North Carolina v. Alford*, 400 U.S. 25 (1975).

rights, by causing actual prejudice or a miscarriage of justice.” *Id.* (quoting *Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008)).

NRS 193.165(1) provides that persons using a deadly weapon in the commission of a crime shall, in addition to the punishment for that crime, be sentenced to a term in prison between 1 and 20 years. In determining the length of the deadly weapon enhancement, a district court must consider: “(a) [t]he facts and circumstances of the crime; (b) [t]he criminal history of the person; (c) [t]he impact of the crime on any victim; (d) [a]ny mitigating factors presented by the person; and (e) [a]ny other relevant information.” NRS 193.165(1). The district court must also state on the record that it has considered these factors in making its determination. *Id.*

The record here shows the district court was provided with information concerning the factors enumerated in NRS 193.165(1). The district court reviewed the parties’ sentencing memoranda and exhibits, videos of the incident, and letters of support. The district court also heard extensive argument from the parties regarding the facts and circumstances of the offense, Mitchell’s lack of serious criminal history and her performance while on house arrest, and her remorse for the incident. The court also heard impact statements from the victim’s wife and son. Further, the district court’s discussion prior to imposing sentence reflects that it considered the facts and circumstances of the offense, as well as the need to balance Mitchell’s rights against public safety concerns. Although the district court did not articulate findings on the record for each of the NRS

193.165(1) factors,² nothing in the record indicates that the court's failure to make such findings on the record had any impact on the sentencing decision. *See Martin v. State*, No. 80077, 2021 WL 5629843, at *8 (Nev. Nov. 30, 2021) (Order of Affirmance) (affirming a defendant's sentence where the district court failed to make findings under the NRS 193.165(1) factors because the record showed the "district court was provided [and properly considered] information concerning all of the factors enumerated in NRS 193.165(1)"). Accordingly, Mitchell fails to demonstrate plain error affecting her substantial rights.

Mitchell also claims her aggregate prison sentence and the district court's failure to articulate specific findings as to each of the NRS 193.165(1) factors amount to cruel and unusual punishment because the sentence is so unreasonably disproportionate to her crimes as to shock the conscience. The record reflects the district court sentenced Mitchell to 48 to 120 months in prison for the voluntary manslaughter conviction, a consecutive term of 19 to 48 months in prison for the deadly weapon enhancement, and 24 to 60 months in prison for the assault with a deadly weapon conviction, to run concurrent to the voluntary manslaughter sentence, resulting in an aggregate prison sentence of 67 to 168 months. 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


²We remind the district court that "compliance with NRS 193.165(1) requires the district courts to articulate findings on the record, for each enumerated factor, when imposing a sentence for a deadly weapon enhancement." *Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 508.

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 sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.165; NRS 200.040; NRS 200.050; NRS 200.080; NRS 200.471, and Mitchell does not allege that those statutes are unconstitutional. And the district court’s failure to explicitly express findings regarding NRS 193.165 factors does not demonstrate Mitchell’s sentence is grossly disproportionate to the crime, particularly where the record sufficiently demonstrates the district court considered the statutory factors. We therefore conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment. Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk