IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS ENNIO MURRONI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48180

FILED

FEB 16 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of aggravated stalking. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Dennis Ennio Murroni to serve a prison term of 5 to 15 years.

First, Murroni contends that the evidence presented at trial was insufficient to support his conviction for aggravated stalking. He claims that the State did not demonstrate that he engaged in a "course of conduct" for the entire timeframe that was charged, and that the victim's actions were not the actions of a person under the threat of substantial bodily harm or death. However, our review of the record reveals sufficient evidence to establish Murroni's guilt beyond a reasonable doubt as determined by a rational trier of fact.[1]

[1]See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (citing Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

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In particular, we note that the jury heard evidence that when the victim ended her relationship with Murroni, he battered her and caused her to lose a tooth. During the three weeks that followed, Murroni repeatedly called the victim's answering machine and left messages threatening to harm her. The messages stopped after the victim changed her phone number. Recordings of these messages were played for the jury. The jury also heard evidence that several months later Murroni approached the victim while she was in her car and pounded on the windows, kicked the door, and broke the taillight. On a subsequent occasion, Murroni approached the victim while she was at a casino and threatened to knock her off her chair, called her names, and made a gun gesture with his hands.

We conclude that a rational juror could reasonably infer that Murroni intentionally engaged in a course of conduct that caused the victim to be placed in reasonable fear of death or substantial bodily harm. It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.[2]

Second, Murroni contends that the district court abused its discretion by imposing a maximum sentence. He notes that the victim's letter was read during sentencing, and it stated that "Mr. Murroni has a son that requires 24-hour care. I know the importance of the relationship

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[2]See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair, 108 Nev at 56, 825 P.2d at 573.

that Mr. Murroni and his son share. Mr. Murroni is and will be needed to care for him." And he argues that a prison term of 2 to 15 years would have been more appropriate.

This court has consistently afforded the district court wide discretion in its sentencing decision.[3] This court will refrain from interfering with the sentence imposed "[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."[4] A sentence that is 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.'"[5]

Murroni does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statutes are unconstitutional. And our review of the record reveals that the district court imposed a sentence that fell within the parameters provided by the

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[3]See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

[4]Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

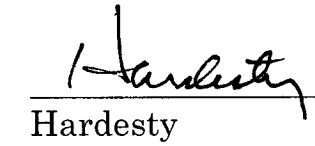
[5]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

relevant statutes.[6] Accordingly, the district court did not abuse its discretion at sentencing.

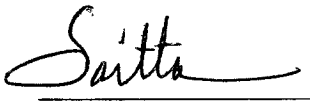
Having considered Murroni's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Parraguirre



_____, J.
Hardesty



_____, J.
Saitta

cc: Hon. Brent T. Adams, District Judge
Van Ry Law Offices, LLP
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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[6]See NRS 193.130(1) ("The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed."); NRS 200.575(2) (a person who is guilty of aggravated stalking shall be imprisoned for term of 2 to 15 years).