

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE CHAANINE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50593

FILED

JUL 11 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of battery with the use of a deadly weapon resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant George Chaanine to a prison term of 4 to 12 years.

Chaanine contends that the district court abused its discretion at sentencing and the sentence was cruel and unusual and disproportionate to the crime. Specifically, Chaanine contends that the district court failed to consider his lack of a prior criminal record and the fact that he took responsibility for the crime and pleaded guilty.

This court has consistently afforded the district court wide discretion in its sentencing decision.¹ 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.”² Moreover, 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.’”³

In the instant case, Chaanine does not allege that the district court relied on impalpable or highly suspect evidence or that the relevant statute is unconstitutional. The district court considered Chaanine’s statement, as well as victim impact evidence. Further, we note that the sentence imposed was within the parameters provided by the relevant

¹See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987).

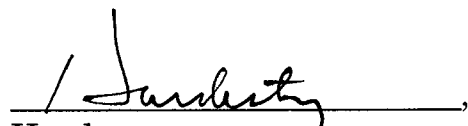
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).


³Blume 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).

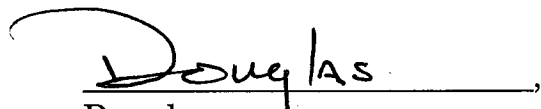
statute.⁴ Therefore, we conclude that the district court did not abuse its discretion at sentencing.

Having considered Chaanine's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

⁴See NRS 200.481(2)(e)(2).