

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL ERIC KREHNOVI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61879

**FILED**

JUN 13 2013

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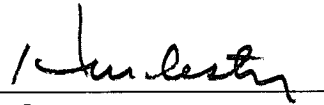
*ORDER OF AFFIRMANCE*

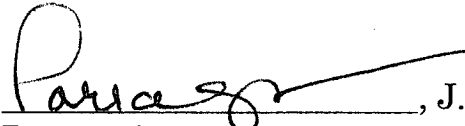
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted burglary. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

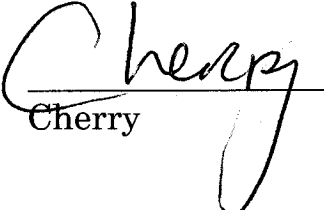
Appellant Carl Krehnovi claims that his sentence of 60-180 months constitutes cruel and unusual punishment because it is disproportionate to his crime, he took responsibility for his actions, and no victim was harmed. Regardless of its severity, a sentence that is within the statutory limits is not “cruel 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.” *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 that 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 statute, see NRS 207.010(1)(a), and Krehnovi does not allege that the statute is unconstitutional. Moreover,

Krehnovi stipulated to the sentence that was imposed. We are not convinced that the sentence imposed is so grossly disproportionate to the crime and Krehnovi's history of recidivism as to constitute cruel and unusual punishment. *See Ewing v. California*, 538 U.S. 11, 29 (2003) (plurality opinion). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Michael Villani, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk