

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAYETTIA DETRINIA GALLOWAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63198

FILED

APR 10 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

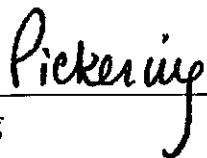
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit robbery and robbery. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

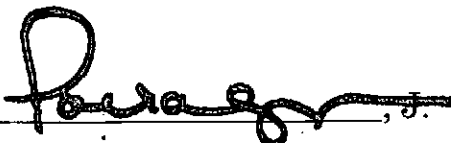
Appellant Dayettia Detrinia Galloway contends that the sentence imposed constitutes cruel and unusual punishment. The district court sentenced Galloway to serve a prison term of 28 to 72 months for the conspiracy conviction and a concurrent prison term of 48 to 120 months for the robbery conviction. The district court ordered the sentence to run concurrent to the sentence imposed in another case.


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 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 199.480(1)(a); NRS 200.380(2), and Galloway does not allege that those statutes are unconstitutional. We are not convinced that the sentence imposed is so grossly disproportionate to the crimes as to constitute cruel and unusual punishment. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Michael Villani, District Judge
Carl E. G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk