

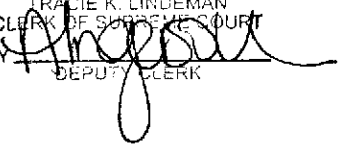
IN THE SUPREME COURT OF THE STATE OF NEVADA

GETYE ASCHALEW A/K/A GETIYE
ASCHALEW DUBALE,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63844

FILED

DEC 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted theft, a category D felony. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant Getye Aschalew contends that his sentence constitutes cruel and unusual punishment because he was convicted of a non-violent property offense, no one suffered any physical injury, and he had a minimal criminal record. 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 district court imposed a prison term of 12 to 30 months; the term stipulated to by the parties in the guilty plea agreement. This sentence is within the

