

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD MAGDAYO DAHAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69657

FILED

OCT 19 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

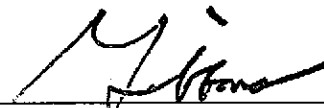
Appellant Richard Dahan's sole claim on appeal is that his sentence to life in prison with the possibility of parole after 20 years and consecutive sentence of 8 to 20 years for the use of a deadly weapon constitute cruel and unusual punishment because he took responsibility for his crime and pleaded guilty.

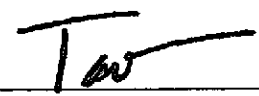
Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 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 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).

Here, the sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.165(1); NRS 200.030(4)(b)(2), and Dahan does not allege that those statutes are unconstitutional. We note that Dahan received the sentence that he stipulated to as part of the negotiated plea agreement. We conclude the sentence imposed is not so grossly disproportionate to the crime as to constitute cruel and unusual punishment, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk