

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON CHRISTOPHER HINE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70749

**FILED**

AUG 16 2017

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

*ORDER OF AFFIRMANCE*

Aaron Christopher Hine appeals from a judgment of conviction, pursuant to a guilty plea, of possession of a firearm by a prohibited person and, pursuant to a jury verdict, of five counts of battery with use of a deadly weapon resulting in substantial bodily harm, two counts each of attempted murder with use of a deadly weapon and battery with use of a deadly weapon, and one count each of burglary while in possession of a firearm, discharging a firearm from within a structure, and discharging a firearm into an occupied structure. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Hine first contends the evidence presented at trial was insufficient to support his conviction for the attempted murder of Dominique Palmer because Hine was acting “abnormally.” Sufficient evidence supports a conviction when, “after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (quotation marks omitted); *accord Jackson v. Virginia*, 443 U.S. 307, 319 (1979). Viewed in the light most favorable to the State, Hine paused before leaving

the apartment, looked Palmer in the eyes, aimed the gun at her chest, and pulled the trigger. The jury could reasonably infer from this Hine performed an act that tended but failed to kill a human being and it was done with express malice, or "the deliberate intention to unlawfully kill." *Keys v. State*, 104 Nev. 736, 740, 766 P.2d 270, 273 (1988); see NRS 193.330(1); NRS 200.010(1). It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. See *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).


Hine also contends his aggregated sentence of 26 to 75 years is cruel and unusual because it is disproportionate to the offenses committed in light of his apparent intoxication. 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." *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).


The sentence imposed is within the parameters provided by the relevant statutes, see NRS 193.165; NRS 193.330(1)(a)(1); NRS 200.030; NRS 200.481(2)(e); NRS 202.285(1)(b); NRS 202.287(1)(b); NRS 202.360(1); NRS 205.060(4), and Hine does not allege those statutes are unconstitutional. Further, the sentences imposed are not grossly

disproportionate to the crimes as to shock the conscience where, without any apparent provocation, Hine attempted to murder and severely injured two childhood friends in the presence of children. We therefore conclude his sentences do not constitute cruel and unusual punishment.

Having concluded Hine's contentions are without merit, we  
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Elissa F. Cadish, District Judge  
Aisen Gill & Associates LLP  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk