IN THE SUPREME COURT OF THE STATE OF NEVADA

MAIGA HRALIMA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41920

FILED

JAN 27 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [signature]
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted murder with the use of a deadly weapon. The district court sentenced appellant Maiga Hralima to serve two consecutive prison terms of 43-192 months and ordered him to pay $1,640.00 in restitution; he was given credit for 428 days time served.

Hralima's contends that the district court abused its discretion by imposing an excessive sentence. Citing to the dissent in Tanksley v. State[1] for support, Hralima argues that this court should review the sentence imposed by the district court to determine whether justice was done. Hralima points out that he confessed to his crime, and was candid and cooperative with the State; and therefore, his sentence should be reversed. We disagree with Hralima's contention.

The Eighth Amendment of the United States Constitution does not require strict proportionality between crime and sentence, but forbids only an extreme sentence that is grossly disproportionate to the

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[1]113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting).

crime.[2] This court has consistently afforded the district court wide discretion in its sentencing decision and will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."[3] Despite its severity, a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional, and the sentence is not so unreasonably disproportionate to the crime as to shock the conscience.[4]

In the instant case, Hralima does not allege that the district court relied on impalpable or highly suspect evidence, that the relevant sentencing statutes are unconstitutional, or that the sentence was so unreasonably disproportionate to the crime as to shock the conscience. The sentence imposed was within the parameters provided by the relevant statutes.[5] Further, we note that the victim, Hralima's ex-girlfriend, testified at his sentencing hearing that Hralima told her that he was going to kill her, and that ultimately, when he had the chance, Hralima arrived at the victim's place of employment and attacked her, stabbing her

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[2]Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion).

[3]Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

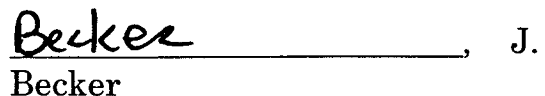
[4]Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994).

[5]See NRS 200.030; NRS 193.330(1)(a)(1); NRS193.165(1).

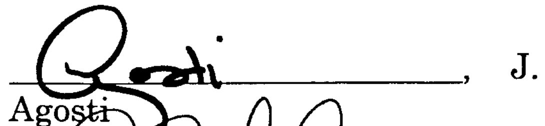
repeatedly with a knife until a witness intervened. We also note that Hralima was eligible for, but did not receive, the maximum possible sentence – 8-20 years in prison – and that in exchange for his guilty plea, the State agreed to drop a count of battery with a deadly weapon for stabbing the intervening witness. Accordingly, based on the above, we conclude that the district court did not abuse its discretion at sentencing, and the sentence imposed is not excessive or disproportionate to the crime.

Having considered Hralima's contention and concluded that it is without merit, we

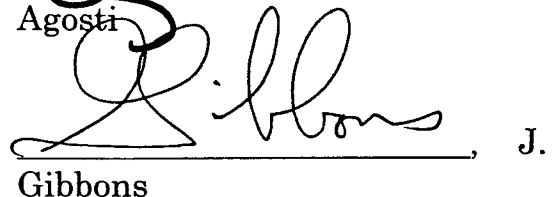
ORDER the judgment of conviction AFFIRMED.



Becker, J.



Agosti, J.



Gibbons, J.

cc: Hon. Jerome Polaha, District Judge
M. Jerome Wright
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk