

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND A. GARRETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53272

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

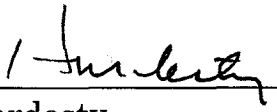
ORDER OF AFFIRMANCE

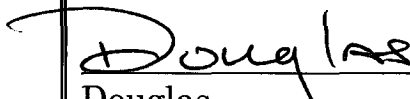
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of murder. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

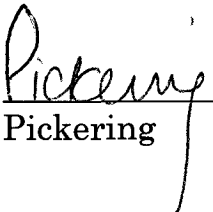
Appellant Raymond Garrett claims that the district court abused its discretion by relying solely on a presentence investigation (PSI) report that was not made part of the record and may be incorrect in sentencing him to consecutive terms of imprisonment. This claim is unsupported by the record. Instead, it reflects that the court focused on victim-impact evidence, mitigation argument by counsel, and the defense expert's testimony—but there is no indication that the court based its decision on the PSI report. A consecutive sentence is authorized by statute, see NRS 176.035(1), and there is no indication that the district court relied on improper evidence in its determination, see Constancio v. State, 98 Nev. 22, 25, 639 P.2d 547, 549 (1982).

Having considered Garrett's claim and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Stefany Miley, District Judge
Thomas A. Ericsson, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk