

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC RUSSELL TRUSTY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54374

FILED

JAN 07 2010

TRACIE K. LINDEMAN
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 three counts of robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Marc Russell Trusty to serve six consecutive prison terms of 30 to 75 months.

Trusty contends that the district court abused its discretion by sentencing him to long consecutive prison terms after he expressed remorse for the trauma he caused to the victims, admitted that he knew what he did was wrong, and announced his willingness to go through programs of adjustment and schooling. Trusty has not shown that the district court relied on palpable or highly suspect evidence, see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), that the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), or that the sentence falls outside the parameters of the relevant statutes, see NRS 193.165(1), (2); NRS 200.380(2). Accordingly, we conclude that the district court did not abuse its discretion at sentencing. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987); see also NRS 176.035(1) (providing that the district court has discretion to impose consecutive sentences).

Trusty also contends that he did not understand the consequences of his guilty plea because he was not informed of the minimum and maximum sentences for his crimes. Trusty does not claim that he previously raised a challenge to the validity of his plea in the district court and the alleged error does not clearly appear on the record, therefore we decline to consider this contention. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (generally this court will not permit a defendant to challenge the validity of guilty plea on direct appeal); Smith v. State, 110 Nev. 1009, 1010-11, n.1, 879 P.2d 60, 61 n.1 (1994) (providing an exception to the rule announced in Bryant where the error is clear from the record).

Having considered Trusty's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Brent T. Adams, District Judge
Michael V. Roth
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk