

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMIAH FITZGERALD SHAW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57731

FILED

JUL 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts each of DUI causing death and DUI causing substantial bodily harm. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

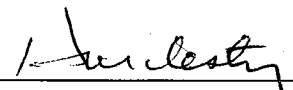
Appellant Jeremiah Fitzgerald Shaw contends that the district court abused its discretion at sentencing because it ignored his lack of criminal history and history of steady employment and sobriety; followed the recommendation of the State without exercising any independent discretion; and, by imposing the maximum possible sentences and running them consecutively, usurped the role of the parole board, which is in the best position to determine whether he could be rehabilitated. We disagree.

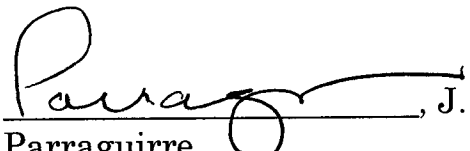
At sentencing, the district court listened to the arguments of defense counsel and counsel for the State, as well as Shaw's statement in allocution and numerous victim impact statements. Shaw's four consecutive sentences of 94 to 240 months in prison are within the

statutory limits, see NRS 484C.430(1)¹, and Shaw does not allege that the district court relied on “impalpable or highly suspect evidence,” Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Further, it is within the district court’s discretion whether to impose consecutive sentences. NRS 176.035(1). 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), and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Formerly codified as NRS 484.3795.