

IN THE SUPREME COURT OF THE STATE OF NEVADA

JC LISTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58542

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

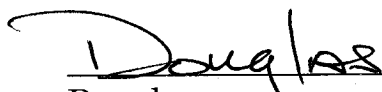
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

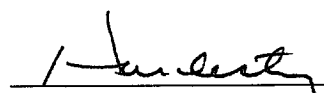
Appellant JC Lister contends that the district court abused its discretion by ordering the sentence to run consecutively to the sentence imposed in a federal case because “the conduct from the government was sufficiently outrageous” and he was the victim of “sentence entrapment.”¹ See U.S. v. Staufer, 38 F.3d 1103, 1106 (9th Cir. 1994) (“Sentencing entrapment or sentence factor manipulation occurs when a defendant, although predisposed to commit a minor or lesser offense, is entrapped in committing a greater offense subject to greater punishment.” (internal quotation marks omitted)). We disagree. Even assuming, without

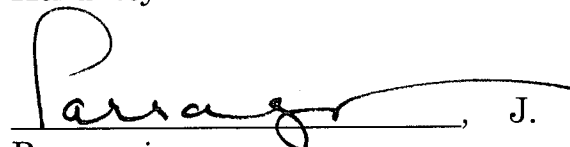
¹To the extent that Lister’s sentencing entrapment argument could be construed as a defense to the charged offense, such a challenge was waived by the entry of his guilty plea. See Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea).

agreeing, that sentence entrapment is a valid consideration in deciding between concurrent and consecutive sentences, the record does not support a finding of sentence entrapment in this case. Further, it is within the district court's discretion to impose consecutive sentences, see NRS 176.035(1), and we conclude that the district court did not abuse its discretion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Richard Wagner, District Judge
Pershing County Public Defender
Attorney General/Carson City
Pershing County District Attorney
Pershing County Clerk