

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW SCOTT RANSOM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58693

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingenda
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary and possession of the personal identification information of another. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Andrew Scott Ransom contends that the district court abused its discretion at sentencing by (1) adjudicating him as a habitual criminal without weighing the relevant factors prior to making its determination and (2) considering stale and nonviolent convictions. The district court has broad discretion to dismiss a count of habitual criminality. See NRS 207.010(2); O'Neill v. State, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007); see also Hughes v. State, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000) ("Nevada law requires a sentencing court to exercise its discretion and weigh the appropriate factors for and against the habitual criminal statute before adjudicating a person as a habitual criminal."). Here, Ransom stated at the sentencing hearing that he had no objection to the use of the prior convictions for habitual criminal adjudication purposes, and the district court followed the negotiated plea agreement and stipulation of the parties and imposed the sentence Ransom

requested. Ransom did not object to the habitual criminal adjudication and/or imposition of the sentence. We conclude that the district court did not abuse its discretion by adjudicating Ransom as a habitual criminal, see Arajakis v. State, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) (“NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions.”), and we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk