

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN SCOTT KARABINOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60475

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

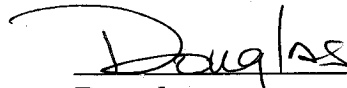
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of burglary. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

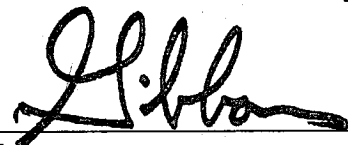
Appellant's sole contention on appeal is that the district court abused its discretion by running his sentences consecutively. In this, he argues that NRS 176.035(1) provides that when a defendant is convicted of two or more offenses, concurrent sentencing is the default sentencing determination rather than consecutive sentencing. Appellant complains that district court misapprehended the statute and "started from the wrong starting point—with consecutive sentencing as the default." We disagree. After hearing testimony that appellant's crimes resulted in a \$50,000 loss to his victims and considering his lengthy criminal record, failed parole opportunities, and substance abuse problems, the district court imposed two consecutive terms of 16 to 120 months in prison. That sentence, the district court explained, provided appellant the opportunity to stay sober in prison and was "the best way to keep [appellant] clean and sober" after he was paroled as he would be subject to lengthy supervision. Nothing in the record before us suggests that the district court

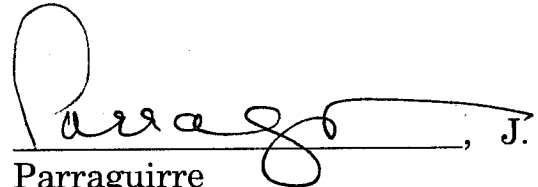
misapprehended NRS 176.035(1) or otherwise abused its discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (observing that district courts enjoy broad discretion in sentencing decisions).

Having considered appellant's argument and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk