

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL OMAR OJEDA-ENRIQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62656

FILED

JUL 22 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of sexual assault on a child. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

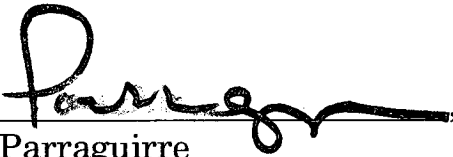
Appellant Miguel Omar Ojeda-Enriquez claims that the district court abused its discretion by running his sentences consecutively without articulating a basis for the imposition of consecutive sentences.

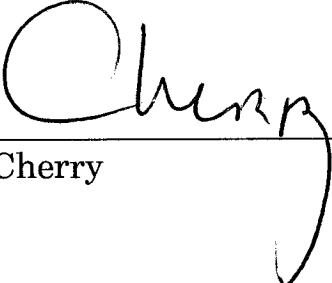
It is within the district court's discretion to impose consecutive sentences. *See* NRS 176.035(1); *Warden v. Peters*, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). *See generally, Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence. . . ."). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). The sentences of 35 years to life imposed in this case are within the parameters provided by the relevant statute, *see* NRS 200.366(3)(c), and we are not convinced that the district court abused its discretion in imposing consecutive

sentences considering the nature of the offenses, duration of the crimes over a 13-month period, age of the victim, and the paternal-type relationship that existed between Ojeda-Enriquez and the victim. While NRS 176.035(1) provides that a concurrent sentence is the default sentence if the court fails to reference a subsequent sentence as either concurrent or consecutive, the statute does not require the district court to articulate the facts that support its decision to impose consecutive sentences and we decline to impose such a requirement. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk