

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYLE LAWRENCE ESTES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64449

**FILED**

**MAY 13 2014**

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 obtaining and/or using the personal identification information of another and possession of a controlled substance for the purpose of sale. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Kyle Lawrence Estes contends that the district court abused its discretion at sentencing by imposing consecutive sentences. We disagree. After pleading guilty to the instant offenses, Estes failed to complete the requested treatment program and committed a new offense. Subsequently, the district court imposed consecutive prison terms of 12 to 36 months and 12 to 48 months. The sentence falls within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(d); NRS 205.463(1); NRS 453.337(2)(a), and Estes does not allege that the district court based its determination solely upon impalpable or highly suspect evidence, *see Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Further, it is within the district court's discretion to impose consecutive sentences. NRS 176.035(1). NRS 176.035(1) does not require a sentencing judge to make particularized findings when imposing

consecutive sentences, and we decline Estes' invitation to compel such a requirement. *See, e.g., Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000) (noting that "this court has never required the district courts to utter 'talismanic' phrases" and instead "looks to the record as a whole to determine whether the sentencing court actually exercised its discretion"). We conclude that the district court did not abuse its discretion, *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

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