

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY DAVID KARNES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65068

FILED

JUL 22 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 trafficking in a controlled substance. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Appellant Anthony David Karnes contends that the district court abused its discretion by ordering his sentence in this case to run consecutively with a sentence imposed in another case without articulating the rationale for doing so.

We afford the district court wide discretion when imposing sentence, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and 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). As Karnes acknowledges, it is also within the district court’s discretion to impose consecutive sentences, *see* NRS 176.035(1) [effective through June 30, 2014]; *Warden v. Peters*, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967), and judges are not required to articulate the basis for imposing a consecutive sentence. Karnes’s term of 40 to 120 months is within the parameters provided by the relevant statute, *see* NRS 453.3385(2), and we

are not convinced that the district court abused its discretion in ordering the sentence to run consecutively with his sentence in another case considering the nature of the offenses in each case and his prior criminal history. We decline Karnes's request to adopt a rule requiring the district court to impose concurrent sentences when sentencing a defendant on separate crimes during the same sentencing hearing, or alternatively, a rule requiring the court to articulate the rationale for imposing a consecutive sentence, *see Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). Therefore, we

ORDER the judgment of conviction AFFIRMED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Jerome Polaha, District Judge
David Kalo Neidert
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk