

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIMBERLY ANN MADDOX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66344 ✓

KIMBERLY ANN MADDOX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66345

FILED

FEB 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


These are consolidated appeals from two judgments of conviction entered pursuant to guilty pleas of felony driving under the influence of a controlled substance and felony driving under the influence of intoxicating liquor. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


Appellant was sentenced to two consecutive prison terms of 24 to 60 months. She contends that the district court abused its discretion by imposing the sentences to run consecutively. She argues that the district court failed to follow the legislative purpose of NRS 176.035(1), which she claims is to temper the harshness of the historic practice of running subsequent sentences consecutively. And she asserts that the district court failed to identify a current basis for its belief that she was a threat and a menace to the community, consider the fact that she had not reoffended since absconding from the DUI court program two years

previously, or offer cogent reasons for concluding that concurrent sentences were not sufficient punishment.

We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Here, appellant's prison sentences fall within the parameters of the relevant statute. See NRS 484C.400(1)(c). Appellant has not alleged that the district court relied solely on impalpable or highly suspect evidence. See *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). NRS 176.035(1) plainly gives the district court discretion to run subsequent sentences consecutively. See *Hobbs v. State*, 127 Nev. ___, ___, 251 P.3d 177, 179 (2011) ("If the statute's language is clear and unambiguous, we enforce the statute as written."). The district court was not required to state its reasons for imposing a sentence. See generally *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elliott A. Sattler, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk