

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID ERNEST HARRIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66455

**FILED**

JAN 21 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary while in possession of a firearm, felon in possession of a firearm, and possession of a stolen firearm. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


Appellant claims that the district court abused its discretion when imposing sentence by merging the sentences for the three counts. The State concedes the error and we agree.


At sentencing, the parties stipulated that appellant would be sentenced as a small habitual criminal and jointly recommended that he be sentenced to concurrent terms of 6-20 years. The district court found that adjudication as a habitual criminal was appropriate and agreed to "accept the stipulation of counsel and the defendant." The court merged the three counts and imposed a single term of imprisonment of 6-20 years under NRS 207.010(1)(a).

Although the district court may impose concurrent sentences for multiple convictions, see NRS 176.035(1), the district court must sentence a defendant to definite terms for each conviction, see NRS 176.033(1); *Powell v. State*, 113 Nev. 258, 264 n.9, 934 P.2d 224, 228 n.9

(1997); *Hollander v. State*, 82 Nev. 345, 353, 418 P.2d 802, 806-07 (1966). We conclude that the district court abused its discretion by merging the sentences for the three counts and, therefore, the sentence must be reversed and remanded to impose a sentence for each count. *See Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000) (we review a district court's sentencing determination for an abuse of discretion). Accordingly, we

ORDER the judgment of conviction REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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