

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLIE DAVID JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66840

**FILED**

APR 14 2015

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

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of three counts of burglary. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Appellant Charlie Jackson claims that the district court abused its discretion by imposing consecutive sentences. Jackson asserts that under NRS 176.035(1) the default sentence in Nevada is for concurrent sentences and therefore, consecutive sentences should only be imposed in rare circumstances. He further asserts that the imposition of consecutive sentences was greater than necessary to accomplish general sentencing goals.

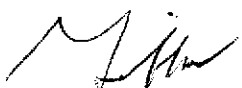
It is within the district court's discretion to impose consecutive sentences. See NRS 176.035(1); *Pitmon v. State*, 131 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (Adv. Op. No. 16, March 26, 2015, at 7); *Warden, Nev. State Prison v. Peters*, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). See generally *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). And NRS 176.035(1) does not restrict the district court's ability to impose consecutive sentences. *Pitmon*, 131 Nev. at \_\_\_, \_\_\_ P.3 at \_\_\_ (Adv. Op.


15-900407

No. 16, March 26, 2015, at 7). 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 district court noted that “[e]very single entry in [Jackson’s] history is theft or drug-related.” Despite arguments from Jackson’s counsel for concurrent sentences, the district court sentenced Jackson to serve three consecutive terms of 16-72 months, noting that Jackson’s criminal history was the basis for the sentence imposed. The sentence imposed is within the parameters provided by the relevant statute, *see* NRS 205.060(2), and we are not convinced that the district court abused its discretion in imposing consecutive sentences considering Jackson’s prior criminal history. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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