

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM H. PLATT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67211

**FILED**

AUG 04 2015

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

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of burglary and uttering a forged instrument. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

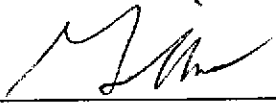
Appellant William Platt argues the district court abused its discretion by sentencing him as a habitual criminal. Specifically, Platt claims the district court was biased against him and his prior convictions were all nonviolent.

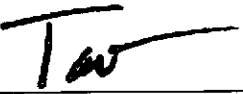
A judge is presumed to be impartial and the burden rests with the challenger to demonstrate sufficient facts establishing bias. *Ybarra v. State*, 127 Nev. 47, 51, 247 P.3d 269, 272 (2011). Moreover, the "remarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence." *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). The remarks challenged by Platt were made after all of the evidence had been presented and immediately before the district court imposed the sentence. We conclude these remarks do not exhibit an impermissible bias or prejudice.

Further, it is clear from the district court's statements it considered all of the mitigation evidence presented by Platt, but chose to impose the small habitual criminal enhancement based on Platt's numerous prior convictions. The district court acknowledged Platt's prior convictions were nonviolent, but the continuous nature of his criminal history and the district court's concern Platt would not be able to stay out of trouble formed the basis for the district court's decision to impose the enhancement. This was not an abuse of discretion. *See Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000); *Arajakis v. State*, 108 Nev. 976, 983-84, 843 P.2d 800, 805 (1992).

Having considered Platt's contentions, and found them to be without merit, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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