

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SETH E. TRZASCA A/K/A SETH E.  
TRZASKA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67352

**FILED**

AUG 05 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 grand larceny. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


Appellant Seth Trzasca argues the district court abused its discretion at sentencing by adjudicating him as a habitual criminal. Trzasca asserts his prior felonies were remote and nonviolent, and therefore, he should not have been sentenced as a habitual criminal. The district court has broad discretion to dismiss a count of habitual criminality. *See NRS 207.010(2); O'Neill v. State*, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). The record reveals the district court understood its sentencing authority and properly exercised its discretion to adjudicate Trzasca as a habitual criminal. *See Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000); *see also Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) ("NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions."). We conclude the district court did not abuse its discretion and Trzasca's claim is without merit.

15-900867

To the extent Trzasca argues his sentence is impermissibly excessive, this claim is also without merit. Trzasca does not demonstrate the relevant sentencing statutes are unconstitutional or that his sentence is so disproportionate so "as to shock the conscience." *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 248 (1996). Moreover, Trzasca's sentence of 60 to 190 months falls within the parameters of the relevant statutes. *See* NRS 205.222(1); NRS 207.010(1)(a). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Carolyn Ellsworth, District Judge  
Mace J. Yampolsky, Ltd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk