

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD TRELEASE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67147

**FILED**

SEP 15 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, pursuant to a jury verdict, of burglary and possession of a credit card or debit card without the cardholder's consent. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Richard Trelease first argues the district court abused its discretion by adjudicating him a habitual criminal. Trelease 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 Trelease as a habitual criminal. *See Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893-94 (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 Trelease's claim lacks merit.

Second, Trelease argues the district court abused its discretion by sentencing him to serve a term of life with the possibility of parole in ten years rather than a shorter sentence. We review a district court's sentencing decision for abuse of discretion. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Here, the district court considered Trelease's arguments in mitigation, but concluded a life sentence under the habitual criminal enhancement for the burglary conviction was appropriate given Trelease's lengthy criminal record.<sup>1</sup> Moreover, Trelease's sentences fall within the parameters of the relevant statutes. *See* NRS 205.690(2); NRS 207.010(1)(b). In addition, a review of the record reveals the district court did not rely on impalpable or highly suspect evidence. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we conclude the district court did not abuse its discretion when imposing Trelease's sentence, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

---

<sup>1</sup>We note Trelease was only sentenced as a habitual criminal for the burglary conviction. The district court sentenced him to a term of 19 to 48 months for the possession of a credit card or debit card without the cardholder's consent conviction and ordered that term to be served concurrently with the term imposed for the burglary conviction.

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