

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DRAKE ALEXANDER BETTINGER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69123

FILED

MAR 16 2016

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 trafficking in a controlled substance. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


Appellant Drake Bettinger claims the district court evinced bias and infused its own personal issues into its sentencing decision. Bettinger did not preserve this claim of error for appellate review and he has not demonstrated plain error because there was no error: the sentencing transcript clearly reveals the district court followed the parties' negotiations as to the 48- to 120-month prison term and agreed with the State's argument that the sentence should run consecutively to the sentence Bettinger was already serving for a separate and distinct offense. *See* NRS 178.602; *Grey v. State*, 124 Nev. 110, 123, 178 P.3d 154, 163 (2008); *Green v. State*, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003).


Bettinger also claims the district court abused its discretion at sentencing by relying on improper factors and imposing his 48- to 120-month prison sentence to run consecutively to the sentence in another case. However, "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), and the district court has discretion to run sentences consecutively, NRS 176.035(1). Accordingly, we conclude Bettinger has not demonstrated the district court abused its discretion at sentencing. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009).

Having concluded Bettinger is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Janet J. Berry, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk