

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOUGLAS LEE REEVES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74176

FILED

JUL 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Douglas Lee Reeves appeals from a judgment of conviction entered pursuant to a guilty plea of possession of a stolen vehicle. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.


Reeves argues the district court abused its discretion by sentencing him under the habitual criminal enhancement because his prior convictions were for non-violent offenses and were remote. Reeves also asserts the district court improperly concluded his misdemeanor convictions demonstrated he had engaged in continuous criminal activity.


We review a district court's sentencing decision for an abuse of discretion, *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009), and the district court has broad discretion concerning adjudication of a defendant as a habitual criminal, see NRS 207.010(2); *O'Neill v. State*, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). We will not interfere with the sentence imposed by the district court "[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 record reveals the district court reviewed Reeves lengthy history of criminal activity and properly concluded his prior felonies caused him to be eligible for the habitual criminal enhancement. *See Hughes v. State*, 116 Nev. 327, 333-34, 996 P.2d 890, 893-94 (2000). The record further reveals the district court understood its sentencing authority, appropriately considered the entirety of Reeves' criminal history, and properly exercised its discretion to adjudicate Reeves a habitual criminal. *See id.*; *see also Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) (noting "[f]ew limitations are imposed on a judge's right to consider evidence in imposing a sentence" and "[p]ossession of the fullest information possible concerning a defendant's life and characteristics is essential" when imposing sentence); *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.").

Moreover, Reeves' sentence of 5 to 13 years in prison falls within the parameters of the relevant statute, *see* NRS 207.010(1)(a), and Reeves makes no argument his sentence was based upon impalpable and highly suspect evidence. We conclude the district court did not abuse its discretion when sentencing Reeves. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Lynne K. Simons, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk