

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAVIER RUBEN MARTINEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72530

**FILED**

OCT 11 2017

BY ELIZABETH BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Javier Ruben Martinez appeals from a judgment of conviction entered pursuant to a guilty plea of attempting to elude a police officer and discharging a weapon where a person might be endangered. First Judicial District Court, Carson City; James Todd Russell, Judge.

Martinez claims the district court abused its discretion by sentencing him to a consecutive term of 364 days in the county jail for the discharging-a-weapon-where-a-person-might-be-endangered count. He argues he was young and admitted he had a drug problem, delaying counseling and a treatment program by having him sit in jail would do nothing for his substance abuse problems, and the district court should have imposed the agreed-upon sentence and programs.

We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Martinez' 364-day jail sentence falls within the parameters of the relevant statute. See NRS 193.140; NRS 202.290(2). Martinez has not alleged the court relied solely on impalpable or highly suspect evidence. See *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And NRS 176.035(1) plainly gives the court discretion to run subsequent sentences


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consecutively. *Pitmon v. State*, 131 Nev. \_\_\_, \_\_\_, 352 P.3d 655, 659 (Ct. App. 2015).

The record demonstrates the district court considered Martinez' age, addiction, criminal history, and the dangerousness of his conduct. The district court determined that imposing a consecutive term of 364 days in the county jail would address these concerns. We conclude the district court did not abuse its discretion at sentencing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk