

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANNA REBECCA ROMERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71287

FILED

APR 19 2017

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

ORDER OF AFFIRMANCE

Appellant Anna Rebecca Romero appeals from a judgment of conviction entered pursuant to a guilty plea of driving under the influence of intoxicating liquor, a controlled substance, or a prohibited substance with a prior DUI felony conviction. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

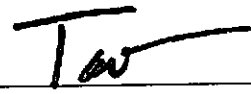
Romero claims the district court abused its discretion at sentencing by imposing the sentence in this case to run consecutive to the sentence in criminal case FP 13-1403. However, the district court has discretion to impose consecutive sentences, NRS 176.035(1) & (3); *Pitmon v. State*, 131 Nev. ___, ___, 352 P.3d 655, 659 (Ct. App. 2015), and we conclude Romero failed to demonstrate the district court abused its discretion by doing so in this case, *see Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009).

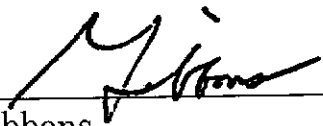
Romero also claims the district court abused its discretion by denying her credit for time served in presentence confinement. However, the record indicates Romero was still on probation in criminal case FP 13-1403 when she committed the instant offense. Accordingly, Romero was not entitled to credit for the instant offense, *see* NRS 176.055(2)(b), and we

conclude the district court did not abuse its discretion in this regard, see *Chavez*, 125 Nev. at 348, 213 P.3d at 490.

Having concluded Romero is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk

¹We reject the State's assertion this appeal should be dismissed for violating the provisions of NRS 177.015(4). NRS 177.015(4) permits a defendant to appeal from a final judgment resulting from a guilty plea if "the appeal is based upon reasonable constitutional, jurisdictional or *other grounds* that challenge the legality of the proceedings." (Emphasis added). And *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999), identifies "a challenge to the sentence imposed on constitutional or other grounds" as a claim that may be raised on direct appeal from a final judgment resulting from a guilty plea.