

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LARRY RICHARD MEREDITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76863-COA

FILED

SEP 30 2019

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

No. 76864-COA

LARRY RICHARD MEREDITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction entered pursuant to guilty pleas in two district court cases. In district court case number 18 CR 00139 1B (Docket No. 76863) Larry Richard Meredith pleaded guilty to driving under the influence with a prior felony DUI conviction. In district court case number 18 CR 00141 1B (Docket No. 76864), Meredith again pleaded guilty to driving under the influence with a prior felony DUI conviction. The district court conducted a single sentencing hearing, imposed a prison term of 24 to 60 months in each case, and ordered the sentences to run consecutively. First Judicial District Court, Carson City; James Todd Russell, Judge.


Meredith claims the district court abused its discretion at sentencing. Specifically, Meredith argues the district court relied on impalpable and highly suspect evidence by believing that under NRS 484C.410(4) it did not have the discretion to run his sentences concurrently.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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).

At sentencing, Meredith argued NRS 484C.410(4) did not require the district court to impose consecutive sentences and requested the district court to impose the sentences to run concurrently. When questioned by the district court, the prosecutor stated she did not interpret the statute the same way as Meredith’s counsel, but stated she was asking the district court to impose the sentences consecutively based on its discretion under NRS 176.035. After imposing the sentences to run consecutively, the district court clarified its decision and stated that it was imposing consecutive sentences based on its discretionary power under the statutes. Given this record, we conclude Meredith has failed to demonstrate the district court relied on impalpable or highly suspect evidence when imposing the sentences to run consecutively and, therefore, Meredith has failed to demonstrate the district court abused its discretion at sentencing. Accordingly, we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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