

IN THE SUPREME COURT OF THE STATE OF NEVADA

BILLIE IRIS PALMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37274

FILED

MAR 23 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of two counts of fraudulent use of a credit card and one count of burglary. The district court sentenced appellant to serve 12 to 36 months in prison for each count of the fraudulent use of a credit card and 22 to 96 months in prison for the burglary count. The district court further ordered that appellant serve the sentences consecutively.

Appellant's sole contention is that the district court abused its discretion by imposing consecutive rather than concurrent sentences. Appellant suggests that the district court may have misunderstood the length of time that appellant would have to serve if the sentences were concurrent. In this regard, appellant points out that in some cases the actual time served on multiple concurrent sentences will be longer than the actual time served on a single sentence of the same length because any good time credits that an inmate earns are applied to the primary sentence, but not to the concurrent sentence.¹ We conclude that appellant's contention lacks merit.

¹See *Hughes v. State*, 112 Nev. 84, 87, 910 P.2d 254, 255 (1996).

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This court has consistently afforded the district court wide discretion in its sentencing decision.² Accordingly, this court will refrain from interfering with the sentence imposed "[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."³

In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect evidence. Furthermore, we note that the sentences imposed are within the parameters provided by the relevant statutes.⁴

Moreover, the district court had discretion to impose the sentences concurrently or consecutively.⁵ The State originally charged appellant with thirty-eight counts involving embezzlement, burglary, using a false credit card, and uttering a forged instrument. Pursuant to plea negotiations, those charges were reduced to the three charges to which appellant pleaded guilty. While there is some indication in the record that appellant may have some mental health issues, defense counsel represented that a psychiatric evaluation conducted at his request found appellant to be competent. Moreover, appellant has a rather extensive criminal record and apparently committed the instant offenses while on probation from a California conviction and while

²See, e.g., *Houk v. State*, 103 Nev. 659, 747 P.2d 1376 (1987).

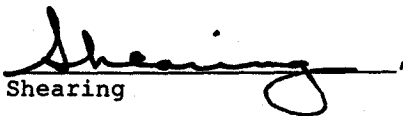
³*Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

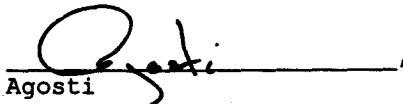
⁴See NRS 205.760(1) (providing that fraudulent use of a credit card is a category D felony); NRS 205.060(2) (providing for 1 to 10 year sentence for burglary); NRS 193.130(2)(d) (providing for 1 to 4 year sentence for category D felonies).

⁵See NRS 176.035(1); *Warden v. Peters*, 83 Nev. 298, 429 P.2d 549 (1967).

awaiting sentencing on a criminal conviction in Las Vegas. Based on the circumstances, it does not appear that the district court abused its discretion by imposing consecutive sentences. Moreover, there is nothing in the record to suggest that the district court did not understand the consequences of imposing consecutive sentences. We therefore conclude that appellant's contention lacks merit, and we

ORDER the judgment of conviction AFFIRMED.


Shearing, J.


Agosti, J.


Rose, J.

cc: Hon. Steven R. Kosach, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk