

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEZHON VINCENT MACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77963-COA

FILED

DEC 27 2019

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

ORDER OF AFFIRMANCE

Dezhon Vincent Mack appeals from a judgment of conviction entered pursuant to a guilty plea of battery with a deadly weapon causing substantial bodily harm, discharging a firearm at or into an occupied structure, and felon in possession of a firearm. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Mack claims the district court abused its discretion by imposing his sentences to run consecutively because his offenses arose from the same event and occurred contemporaneously. He argues that the consecutive sentences were greater than necessary to accomplish the goals of sentencing. And he asserts that running concurrent sentences in this case consecutively to his sentence in another case would have been sufficient.


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), and 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 district court sentenced Mack to a prison term of 60 to 180 months for battery with a deadly weapon causing substantial bodily harm, a prison term of 24 to 72 months for discharging a firearm at or into an occupied structure, and a prison term of 16 to 72 months for felon in possession of a firearm. These prison terms fall within the parameters of the relevant statutes. See NRS 200.481(2)(e)(2); NRS 202.285(1)(b); NRS 202.360(1)(b). Mack does not claim that the district court relied solely on impalpable or highly suspect evidence. And NRS 176.035(1) plainly gives the district court discretion to run subsequent prison terms consecutively. *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015).

Moreover, the record demonstrates the district court addressed the goals of sentencing and considered Mack's youth and upbringing, his addiction and mental health issues, and his remorsefulness, as well as his criminal history, the severity of the instant crimes, and the fact he was a felon in possession of two loaded firearms. We conclude from this record that Mack has failed to demonstrate the district court abused its discretion at sentencing. Accordingly, we.

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Barry L. Breslow, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk