

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID J. HALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79244-COA

**FILED**

**MAY 27 2020**

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

DAVID J. HALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79245-COA

DAVID J. HALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79246-COA

DAVID J. HALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79247-COA

DAVID J. HALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79248-COA

*ORDER OF AFFIRMANCE*

These are consolidated appeals from five judgments of conviction entered in five separate cases. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

In Docket No. 79244-COA, David J. Hale appeals from the judgment of conviction entered in district court case number CR19-0225 pursuant to a guilty plea of uttering a forged instrument. In Docket No. 79245-COA, Hale appeals from a judgment of conviction entered in district court case number CR19-0227 pursuant to a guilty plea of principal to the crime of grand larceny. In Docket No. 79246-COA, Hale appeals from a judgment of conviction entered in district court case number CR19-0363 pursuant to a guilty plea of burglary. In Docket No. 79247-COA, Hale appeals from a judgment of conviction entered in district court case number CR19-0365 pursuant to a guilty plea of burglary. In Docket No. 79248-COA, Hale appeals from a judgment of conviction entered in district court case number CR19-0364 pursuant to a guilty plea of fraudulent use of a credit or debit card.


Hale claims the district court abused its discretion at sentencing by imposing five consecutive sentences instead of following the parties' negotiated recommendation of three concurrent and two consecutive sentences. He argues the five consecutive sentences do not strike a fair balance between his need for rehabilitation and society's interest in safety and deterrence. And he asserts that the district court should provide support for its rejection of the parties' negotiated recommendation on the record.

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). 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 palpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). And NRS 176.035(1) plainly gives the district court discretion to run subsequent sentences consecutively. *Pitmon v. State*, 131 Nev. 123, 129, 352 P.3d 655, 659 (Ct. App. 2015).

Here, Hale’s sentences for uttering a forged instrument, grand larceny, burglary, and fraudulent use of a credit or debit card fall within the parameters of the relevant statutes. See NRS 193.130(2)(c), (d); NRS 205.060(2); NRS 205.090; NRS 205.222(2); NRS 205.760(1). Hale has not alleged the district court relied on palpable or highly suspect evidence. And the record plainly shows that the district court considered the impact of Hale’s actions on the victims of his crimes before it rendered its sentencing decision. We conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Scott N. Freeman, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk