

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARLOS OLIVARRIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79608-COA

**FILED**

JUL 21 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Carlos Olivarría appeals from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Olivarría contends the district court abused its discretion when it followed a self-imposed “pattern” to run sentences consecutively where the crimes occurred at different times.<sup>1</sup> It is within the district court’s discretion to impose consecutive sentences. See NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); see also *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . . .”). 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

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<sup>1</sup>In the same hearing in which it sentenced Olivarría in the instant case, the district court also sentenced Olivarría in district court case number CR19-0767 to a term of 12 to 30 months in prison for a burglary conviction. The district court ordered the sentences be served consecutive to one another.

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 record before this court clearly indicates the district court exercised its discretion. As Olivarria observed, the district court stated there could be exceptions to its pattern of running sentences consecutively where the crimes occurred at different times. And in imposing the sentence, the district court discussed factors specific to Olivarria. Moreover, the sentence imposed in this case is within the parameters provided by the relevant statute. See NRS 193.165(1); NRS 200.380(2). We therefore conclude the district court did not abuse its discretion in running Olivarria's sentence consecutive to that imposed in his burglary case. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk