

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHNATHAN SCOTT HANES, A/K/A
JONATHAN SCOTT HANES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81245-COA

FILED

MAR 05 2021

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

No. 81277-COA

JONATHAN SCOTT HANES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER OF AFFIRMANCE

Johnathon Scott Hanes appeals from judgments of conviction entered in district court case numbers CR19-3255 (Docket No. 81245) and CR19-2367B (Docket No. 81277). Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

In Docket No. 81245, Hanes was convicted pursuant to a guilty plea of attempted robbery with use of a deadly weapon, and he was sentenced to 48 to 120 months in prison. He argues the district court abused its discretion by imposing the maximum possible sentence despite compelling mitigation evidence.

In Docket No. 81277, Hanes was convicted pursuant to a guilty plea of being a felon in possession of a firearm, he was sentenced to 24 to 72 months in prison, and the sentence was ordered to run consecutively to that


imposed in the case underlying Docket No. 81245. Hanes argues the district court abused its discretion by ordering the sentences to run consecutively.

We review a district court's sentencing decisions for an abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentences 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).

Hanes' sentences fall within the parameters of the relevant statutes. See NRS 193.330(1)(a)(2); NRS 200.380(2); NRS 202.360(1)(g). And Hanes does not allege the district court relied upon impalpable or highly suspect evidence when it imposed the sentences. Finally, NRS 176.035(1) plainly gives the district court discretion to run subsequent sentences consecutively. *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015). Accordingly, we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Washoe County Public Defender
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk