

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER FRANCO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81554-COA

FILED

APR 16 2021

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

ORDER OF AFFIRMANCE

Christopher Franco appeals from a judgment of conviction entered pursuant to a guilty plea of assault with a deadly weapon and discharging a weapon where a person might be endangered. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

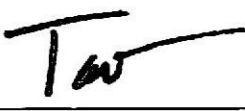
Franco argues the district court abused its discretion by adjudicating him as a habitual criminal and sentencing him pursuant to the small habitual criminal enhancement because his two prior convictions were stale, they were non-violent offenses committed when Franco was 21 years old, and Franco's lack of five prior felony convictions would render him ineligible for small habitual criminal treatment under current law.

The district court has broad discretion to dismiss a count of habitual criminality. *See* NRS 207.010(2) (2009); *O'Neill v. State*, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). The record reveals the district court understood its sentencing authority and properly exercised its discretion to adjudicate Franco as a habitual criminal. *See Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893-94 (2000); *see also Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) ("NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions."). We

conclude the district court did not abuse its discretion and Franco's claim lacks merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
Mueller & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk