

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REX ALVIN LAND,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83360-COA

**FILED**

**MAR 09 2022**

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

*ORDER OF AFFIRMANCE*

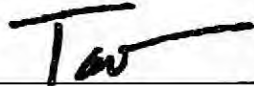
Rex Alvin Land appeals from a judgment of conviction, entered pursuant to a guilty plea, of residential burglary and attempted open or gross lewdness, subsequent offense. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Land argues the district court abused its discretion by imposing consecutive prison sentences. Land argues the district court should have imposed probation on the burglary count or, alternatively, concurrent sentences. The granting of probation is discretionary, and it is also within the district court's discretion to impose consecutive sentences. See NRS 176A.100(1)(c); 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 . . ."). Generally, 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 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).

Land's consecutive sentences of 48 to 120 months in prison for the burglary count and 12 to 30 months in prison for the attempted-open-or-gross-lewdness count are within the parameters provided by the relevant statutes. *See* NRS 193.130(2)(e); NRS 193.330(1)(a)(5); NRS 201.210(1)(b); NRS 205.060(1)(a). Moreover, Land does not allege that the district court relied on impalpable or highly suspect evidence. Therefore, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Land on probation and declining to impose concurrent sentences, and 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