

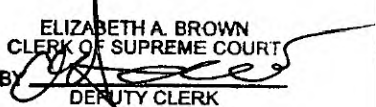
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS ANTONIO GUERRERO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88571-COA

FILED

JAN 27 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Luis Antonio Guerrero appeals from a judgment of conviction, entered pursuant to a guilty plea, of second-degree murder with the use of a deadly weapon and four counts of battery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Guerrero argues that the district court abused its discretion by imposing the maximum sentence as to all counts and imposing sentences for two of the battery counts consecutively to the murder count and each other. He contends that the sentences should have been imposed concurrently because the underlying charges stemmed from the same conduct. In support of his claim, he relies on the dissent in *Tanksley v. State*, 113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting), and the sentencing considerations set forth in 18 U.S.C. § 3553(a)(2).


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 . . ."). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of

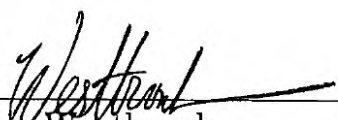
relevant sentencing statutes “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

The district court sentenced Guerrero to life in prison with the possibility of parole after ten years for second-degree murder with a consecutive term of 8 to 20 years for the deadly weapon enhancement. In addition, the court sentenced Guerrero to 4 to 10 years’ imprisonment for each of the four battery counts. Two of the battery counts were imposed consecutively to the murder count and each other and the remaining battery counts were imposed concurrently. These sentences are within statutory parameters. See NRS 176.035(1); NRS 193.165(1); 200.030(5); 2019 Nev. Stat., ch. 308, § 14.5, at 1812-15 (NRS 200.481(2)(e)(1)). Guerrero has not alleged that the district court relied on impalpable or highly suspect evidence. Nor has he asserted that the district court failed to consider any proffered mitigating evidence. And we decline Guerrero’s invitation to review sentencing decisions consistent with 18 U.S.C. § 3553(a). Therefore, we conclude that Guerrero is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

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