

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON THOMAS OLSEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 91265-COA

**FILED**

**FEB 27 2026**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brandon Thomas Olsen appeals from a judgment of conviction, entered pursuant to a guilty plea, of fraudulent use of a credit or debit card or identifying information on a card with the intent to defraud. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Olsen argues the district court abused its discretion in adjudicating him a habitual criminal because his prior convictions were nonviolent and stale and were related to his substance abuse issues. "Adjudication of a defendant as a habitual criminal is subject to the broadest kind of judicial discretion." *LaChance v. State*, 130 Nev. 263, 276, 321 P.3d 919, 929 (2014) (internal quotation marks omitted). "In determining if a finding of habitual criminal is proper, this court looks to the record as a whole to determine whether the sentencing court actually exercised its discretion." *Id.* at 277, 321 P.3d at 929 (internal quotation marks omitted). "A sentencing court meets its obligations so long as it was not operating

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under a misconception of the law regarding the discretionary nature of a habitual criminal adjudication.” *Id.* (internal quotation marks omitted).

Here, the State presented evidence that Olsen had previously been convicted of six felonies.<sup>1</sup> In adjudicating Olsen a habitual criminal, the district court recognized that Olsen’s prior convictions were nonviolent and that he had not been convicted of a felony since 2015. Nonetheless, the district court determined that Olsen had “repeatedly affected the community in an adverse manner through [his] criminality,” and it exercised its discretion to adjudicate Olsen a habitual criminal.

After review, we conclude the district court did not abuse its discretion in determining habitual criminal adjudication was warranted in this matter. *See 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; instead, these are considerations within the discretion of the district court.”); *see also Tanksley v. State*, 113 Nev. 997, 1004, 946 P.2d 148, 152 (1997) (holding a district court did not abuse its “very broad” discretion in adjudicating a defendant a habitual criminal

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<sup>1</sup>Those prior felony convictions included uttering a forged instrument in 2006, possession of a credit card without consent in 2006, larceny from the person in 2007, attempt to obtain and/or use the personal identifying information of another in 2010, attempted possession of a stolen motor vehicle in 2014, and burglary in 2015.

where the defendant argued all three of his prior convictions were stale and two of his three convictions were nonviolent). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Kathleen A. Sigurdson, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk