

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT RODNEY CASTEEL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55450

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of one count each of aiding and abetting in a second-degree kidnapping, false imprisonment with the use of a deadly weapon, battery with a deadly weapon, felon and/or user addict of controlled substance in possession of a firearm, assault with a deadly weapon, and trafficking in a controlled substance. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

Appellant Scott Rodney Casteel contends that the district court abused its discretion by sentencing him to six consecutive terms of imprisonment because his criminal behavior was attributable to mental health problems and narcotics addiction, the actual kidnapper received a shorter sentence, the State's witnesses were not credible, and the district court failed to consider the duplicative nature of some of charges. Casteel also claims that the district court improperly based its sentencing decision on sexual assault charges that were dismissed by the State for lack of evidence. Casteel has not shown that the district court abused its discretion by imposing consecutive sentences, see NRS 176.035(1) (providing that the district court has discretion to impose consecutive

sentences), nor has he demonstrated that the district court relied solely on impalpable evidence, see Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). Accordingly, we conclude that Casteel's contentions are without merit, and we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Robert H. Perry, District Judge  
Marc Picker  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk