

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGELA CHRISTINE CADY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56771

ANGELA CHRISTINE CADY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No 56772

ANGELA CHRISTINE CADY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56787

ANGELA CHRISTINE CADY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56788

FILED

MAR 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are appeals from judgments of conviction entered pursuant to guilty pleas. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. Appellant Angela Christine Cady was convicted of fraudulent use of a credit card in district court case number CR09-1696 and of one count of burglary in each of district court case numbers CR09-1695, CR10-0473, and CR10-0487. This court previously consolidated Docket No. 56771 with Docket No. 56772 and Docket No. 56787 with

Docket No. 56788. See NRAP 3(b)(2). We now elect to consolidate all of these appeals for dispositional purposes. Id.

Cady claims that the district court erred by ordering her to pay restitution for a crime she was not charged with committing. Specifically, Cady asserts that, because she was only charged in district court case number CR10-0487 with possession of certain stolen property that had been taken in a residential burglary, the district court erred by allowing the victim to give impact testimony regarding all items stolen during the burglary and imposing restitution for the value of all items stolen. We disagree. Although Cady was not charged with the residential burglary, because Cady agreed in the plea agreement to make full restitution in all cases being dismissed as a result of her guilty plea and in any uncharged cases involving the victims identified in district court case number CR10-0487, we conclude the district court did not err by allowing the residential burglary victim to testify about his losses and awarding restitution to the victim. See Erickson v. State, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991).

Cady also claims that the district court abused its discretion at sentencing by imposing maximum consecutive sentences in each of her cases. Cady asserts that the district court was unwilling to consider mitigating factors when imposing sentence and imposed sentences that exceeded those recommended by the Division of Parole and Probation, and she claims that the district court's improper imposition of restitution in district court case number CR10-0487 demonstrates the district court's "arbitrary and capricious sentencing practices."

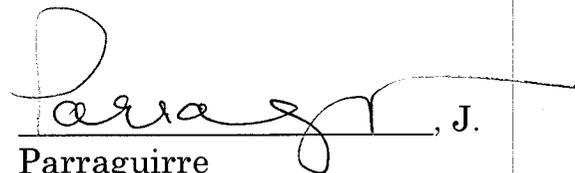
The district court sentenced Cady to serve three consecutive terms of 48 to 120 months for the burglary convictions and a consecutive term of 19 to 48 months for the fraudulent use of a credit card conviction.

We will not disturb the district court's sentencing determination "absent a showing of abuse of discretion." Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Although the sentences imposed are the maximum sentences possible, they are within the statutory limits, see NRS 193.130(2)(d) NRS 205.760(1), NRS 205.060(2), and it was within the district court's discretion to impose consecutive sentences, NRS 176.035(1). Further, the district court did not improperly impose restitution and "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). Finally, "[a] trial court does not abuse its discretion by imposing a sentence in excess of that suggested by the [Division]." Collins v. State, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972). We conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk