

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIMBERLY LYNN CALLAHAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

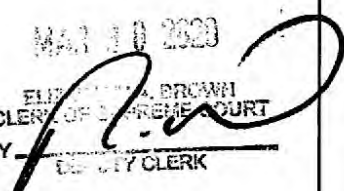
No. 79823-COA

KIMBERLY LYNN CALLAHAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79824-COA

FILED

MAR 10 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

These are consolidated appeals from two judgments of conviction entered in two separate cases. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

In Docket No. 79823-COA, Kimberly Lynn Callahan appeals from a judgment of conviction entered in district court case number CR18-1239, pursuant to a guilty plea, of grand larceny. In Docket No. 79824-COA, Callahan appeals from a judgment of conviction entered in district court case number CR19-0023, pursuant to a guilty plea, of abuse or neglect an older or vulnerable person.

Callahan claims the district court abused its discretion when it refused to consider concurrent sentencing based on the fact that her offenses were spatially and temporally distinct. She argues the district court wrongly believed that consecutive sentences were required by NRS

176.035(1) or the district court improperly imposed consecutive sentences based on spatial and temporal differences as a matter of policy.


We review a district court's sentencing decision for an abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We will not interfere with the sentence imposed by the district court "[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).

Callahan's 12- to 30-month prison sentence for grand larceny and 24- to 60-month prison sentence for abuse or neglect of an older or a vulnerable person fall within the parameters of the relevant statutes. See NRS 193.130(2)(c); NRS 200.5099(1)(a)(1); NRS 205.222(2). She does not allege the district court relied upon impalpable or highly suspect evidence when it imposed the sentences. And NRS 176.035(1) plainly gives the district court discretion to run subsequent sentences consecutively. *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015).

Based on our review of the record before this court, and particularly the sentencing transcript, we conclude the district court did not abuse its discretion when imposing the sentences. Accordingly, we

ORDER the judgments 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