

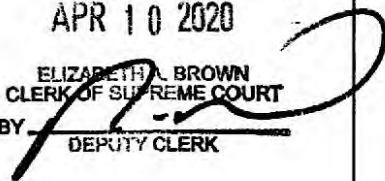
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVELL WILLIAMS, A/K/A DEANDRE
WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78583-COA

FILED

APR 10 2020

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Devell Williams appeals from a judgment of conviction, pursuant to a guilty plea, of duty to stop at scene of a crash involving death or personal injury. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


Williams claims the district court abused its discretion by imposing his sentence to run consecutive with a sentence imposed in another case. Specifically, he asserts that, because the district court only stated the sentence would run consecutively after the clerk inquired whether the sentence would be concurrent or consecutive, the district court did not exercise reasoned judicial discretion when ordering his sentence to run consecutively.

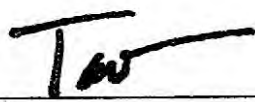
Because Williams was on probation at the time he committed the instant offense, it was within the district court's discretion to impose consecutive sentences. NRS 176.035(3); *see also Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *Warden v. Peters*, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967). This court will refrain from interfering with the sentence imposed "[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).

Williams’ sentence of 48 to 240 months is within the parameters provided by the relevant statute, *see* NRS 484E.010(3), and Williams does not assert the district court relied on impalpable or highly suspect evidence when imposing the sentence. The record demonstrates the district court made a reasoned decision when imposing the sentence. At sentencing, the district court was presented with the facts and circumstances surrounding this offense, including that Williams committed this offense while he was an absconder from probation in his other case. The district court commented that the sentence recommended by the Division of Parole and Probation was not a lenient sentence and imposed the recommended sentence. Although the district court did not state that the sentence was to run consecutive to Williams’ sentence in his other case until after the clerk inquired whether the sentence was to run concurrently or consecutively, this does not demonstrate the district court failed to make a reasoned decision when ordering the sentence to run consecutively. We conclude Williams has failed to demonstrate the district court abused its discretion by ordering his sentence to run consecutive to his sentence in his other case. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carolyn Ellsworth, District Judge
Law Office of Benjamin Nadig, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk