

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER PATRICK LYNCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81806-COA

FILED

MAR 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

No. 81865-COA

CHRISTOPHER PATRICK LYNCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER OF AFFIRMANCE

Christopher Patrick Lynch appeals from judgments of conviction entered in two district court cases. In Docket No. 81806-COA, Lynch appeals from a judgment of conviction, entered pursuant to a guilty plea in district court case number CR04-0643, of using and/or being under the influence of a controlled substance. In Docket No. 81865-COA, Lynch appeals from a judgment of conviction, entered pursuant to a guilty plea in district court case number CR05-2868, of eluding a police officer. These cases were consolidated on appeal. *See* NRAP 3(b). Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Lynch claims the district court abused its discretion by imposing the sentences for each case to run consecutively to one another. Lynch claims concurrent sentences were warranted because he has

significant support in Tennessee, he had minimal criminal history while absent from Nevada, the sentence imposed in CR05-2868 would have adequately addressed the State's retributive interest while reducing strain on Nevada's overcrowded prison system, and because Lynch's family and employment history in Tennessee demonstrated the rehabilitative effect of positive life experiences.


It is within the district court's discretion to impose consecutive sentences. *See* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *see also Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). 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).

The district court sentenced Lynch to serve a term of 12 to 30 months in prison for his conviction of using and/or being under the influence of a controlled substance. The district court also sentenced Lynch to serve a term of 19 to 48 months in prison for his conviction of eluding a police officer and ordered him to serve it consecutively to the other sentence. The sentences imposed in this case are within the parameters provided by the relevant statutes, *see* NRS 193.130(2)(e) (1999); NRS 453.411(3)(a) (1997); NRS 484.348(3)(b) (2003), and Lynch has not alleged the district court relied on impalpable or highly suspect evidence. The record demonstrates the district court considered evidence of Lynch's family support before it rendered its sentencing decision. The record also demonstrates the district

court took into account the fact that Lynch absconded prior to sentencing. Based on the record, we conclude the district court did not abuse its discretion in imposing consecutive sentences. Accordingly, we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk