

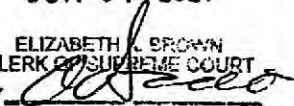
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FIDEL JIMENEZ-ZARATE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81970-COA

FILED

JUN 07 2021

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Fidel Jimenez-Zarate appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of lewdness with a child under the age of 14 years and one count of attempted lewdness with a child under the age of 14 years. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Jimenez-Zarate contends the district court abused its discretion by imposing a sentence for the attempted lewdness with a child under the age of 14 count to be served consecutively to the remaining counts. 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 Jimenez-Zarate to consecutive terms of life in prison with the possibility of parole after a minimum of ten years for the two counts of lewdness with a child under the age of 14 years and to a consecutive term of four to ten years in prison for the count of attempted lewdness with a child under the age of 14 years. The sentences imposed in this case are within the parameters provided by the relevant statutes, *see* NRS 193.330(1)(a)(1); NRS 201.230(2). Further, the district court noted its reasoning, finding Jimenez-Zarate's repeated acts of sexually abusing his step-daughter over the course of years to be intentional acts. The record supports the district court's findings. Therefore, we conclude the district court did not abuse its discretion in imposing consecutive sentences. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Second Judicial District Court
Second Judicial District Court, Dept. 10
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk