

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ADAM SHULTZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38310

FILED

JUL 05 2002

ORDER OF AFFIRMANCE

WHEATON BLOOM
CLERK OF SUPREME COURT
Wheaton Bloom
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of sexual assault on a child and lewdness with a child under the age of 14 years. The district court sentenced appellant Christopher Adam Shultz to serve a life prison term with parole eligibility after 20 years for the sexual assault count and a concurrent life prison term with parole eligibility after 10 years for the lewdness count.¹

Shultz asks this court to review the sentences imposed and remand for a new sentencing hearing. Citing the dissent in Tanksley v. State,² Shultz argues that this court should review the sentences imposed to determine whether consecutive sentences would have resulted in less

¹Pursuant to NRAP 34(f)(1), this court has determined that oral argument is not warranted.

²113 Nev. 844, 850, 944 P.2d 240, 244 (1997) (Rose, J., dissenting).

prison time than the concurrent sentences after good time credits are applied.³ We conclude that Shultz's contention lacks merit.

This court has consistently afforded the district court wide discretion in its sentencing decision.⁴ We will not interfere 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."⁵

Here, Shultz does not allege that the district court relied on impalpable or highly suspect evidence. Further, the sentences imposed are within the parameters provided by the relevant statutes, and the district court had discretion to impose those sentences concurrently or consecutively.⁶ Additionally, we note that the imposition of consecutive sentences would not have resulted in less actual prison time.⁷ Finally, we

³Shultz cites Hughes v. State, 112 Nev. 84, 910 P.2d 254 (1996), in support of his contention that those offenders with consecutive sentences receive more good time credit than those with concurrent ones. In Hughes, we merely noted that those offenders with a single sentence may serve less actual prison time than those with concurrent sentences of the same length due to the application of good time credits. Id. at 87, 910 P.2d at 255.

⁴See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

⁵Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

⁶See NRS 200.366; NRS 201.230; NRS 176.035(1).


⁷See NRS 209.4465; Shapely v. Housewright, 612 F. Supp. 94, 98 (D. Nev. 1985) (discussing the application of good time credits under Nevada law).

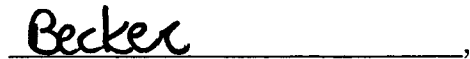
note that good time credit would have no effect on the minimum sentences Shultz is required to serve before he is eligible for parole because he was sentenced under statutes that specify minimum time served before parole eligibility.⁸

Accordingly, we

ORDER the judgment of conviction AFFIRMED.⁹


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

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

⁸See NRS 209.4465(7)(b).

⁹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.