

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE ESQUIVEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45479

FILED

JAN 30 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruane*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.


The district court sentenced appellant Esquivel to a prison term of 24-72 months. Esquivel's sentence also included a fine of \$25,000, which he asserts was a violation of his constitutionally protected rights of equal protection and due process because he is indigent. We conclude his contention is without merit.


This court has held that there is "no constitutional impediment to the imposition of a fine on an indigent defendant."¹ To the extent that appellant argues that he may be incarcerated in the future for

¹Gilbert v. State, 99 Nev. 702, 708, 669 P.2d 699, 703 (1983).

failure to pay the fine, such argument is speculative at best. Having considered Esquivel's contention and concluded it is without merit, we

ORDER the judgment of conviction AFFIRMED.


Maupin, J.


Gibbons, J.


Hardesty, J.

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender/
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk