

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS MANUEL CANEDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45804

FILED

JUN 30 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of sale of a controlled substance and one count of unlawful possession of a controlled substance for sale. Seventh Judicial District Court, Eureka County; Steve L. Dobrescu, Judge.

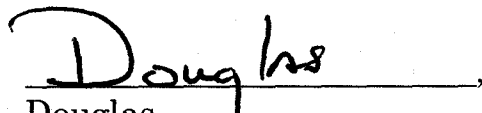
Appellant Luis Canedo was sentenced to a prison term of 12-36 months for sale of a controlled substance and a concurrent term of 12-32 months, for possession of a controlled substance for sale. The sentence was suspended and Canedo was placed on probation. One of the conditions of probation was that Canedo submit to supervision by the drug court in Elko County and that he successfully complete the drug court program.

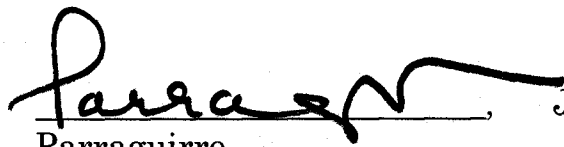
Canedo's sole issue on appeal is that the district court improperly sentenced him by imposing drug court as a condition of probation rather than deferring sentencing as contemplated in NRS 453.3363. We disagree.

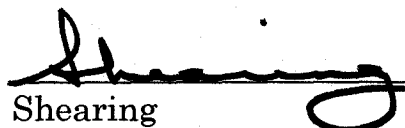
Specifically, Canedo claims that under NRS 453.3363, the court must suspend further proceedings if the court orders a defendant into the diversion program, and a judgment of conviction cannot be entered. Canedo pleaded guilty to crimes involving the sale of drugs,

making him ineligible for diversion pursuant to NRS 453.3363.¹ Although Canedo was eligible to elect treatment pursuant to NRS 458.300, at the sentencing hearing the district court made a finding that Canedo was not a good candidate for diversion under that statute.² The district court did order Canedo into the drug court program as a condition of probation. We have previously held that the provisions NRS 176A.400 and 176A.450 confer broad and virtually unlimited discretion upon the district courts in fashioning appropriate conditions of probation.³

As a result, Canedo's claim lacks merit. Therefore we,
ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Douglas


_____, J.
Parraguirre


_____, Sr. J.
Shearing

¹NRS 453.3363(1).

²See NRS 458.320(2) (providing that if the district court determines that a defendant is not a good candidate, the sentence may be imposed and executed).

³Creps v. State, 94 Nev. 351, 360-61, 581 P.3d 842, 848-49 (1978).

⁴The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under general orders of assignment entered January 6, 2006.

cc: Hon. Steve L. Dobrescu, District Judge
James Andre Boles
Attorney General George Chanos/Carson City
Eureka County District Attorney
Eureka County Clerk