

IN THE SUPREME COURT OF THE STATE OF NEVADA

ASHLEY NICOLE VANDERBY A/K/A
ASHLEY NICHOLE VANDERBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46631

FILED

MAY 19 2006

JANE V. CAL. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of using a controlled substance. Second Judicial District Court, Washoe County; Robert H. Perry, Judge. The district court sentenced appellant Ashley Nicole Vanderby to serve a prison term of 12 to 32 months and then suspended execution of the sentence and placed Vanderby on probation for a time period not to exceed 3 years.

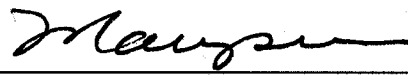
Vanderby contends that the district court abused its discretion by imposing a special condition of probation requiring that she permit her residence to be searched in order "to check on the health and safety of any child living in the residence." Specifically, Vanderby contends that the special condition is unreasonable because there is an insufficient nexus to the charged drug offense, there is no indication that Vanderby ever harmed her daughter, and Vanderby's mother has full guardianship. We conclude that Vanderby's contentions lack merit.

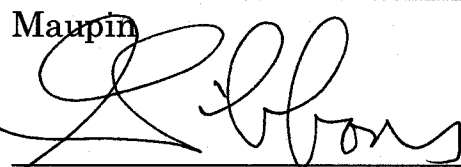
NRS 176A.400(1)(c) provides that the district court may fix the conditions of probation, including "[a]ny reasonable conditions to protect the health, safety or welfare of the community." Moreover, a

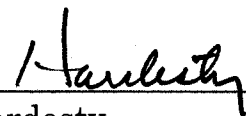
district court judge enjoys wide discretion to impose such conditions.¹ We conclude that the district court acted within its discretion in imposing the special condition of probation. The search condition was reasonable, and authorized under NRS 176A.400(1)(c) to protect the welfare of the children given that Vanderby lived in the residence with her mother and daughter and had admitted to ingesting methamphetamine.

Having considered Vanderby's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin
 J.
Gibbons

 J.
Hardesty

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

¹See Miller v. State, 113 Nev. 722, 725, 941 P.2d 456, 458 (1997).