

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER RYAN MILLER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52028

**FILED**

FEB 04 2009

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

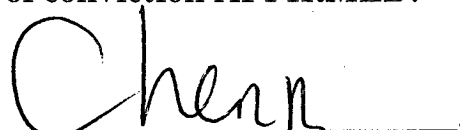
This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of possession of more than one ounce of marijuana. Seventh Judicial District Court, Eureka County; Steve L. Dobrescu, Judge. The district court sentenced appellant Christopher Ryan Miller to a prison term of 12 to 32 months, ordered the sentence suspended, and placed Miller on probation for a period not to exceed three years.

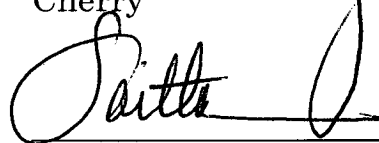
Miller contends that the district court erred by requiring him to surrender his California license to grow and sell medical marijuana as a condition of probation. Miller specifically claims that (1) the jurisdiction of Nevada's district courts "does not extend to control the authority of licensing bodies located in a separate state;" (2) "California's decision to license [him] is entitled to full faith and credit;" (3) "Nevada should allow California to deal with its licensee as a matter of comity;" and (4) "[w]hether or not he should be required to surrender his California license should be determined in accordance with California's medical marijuana licensing laws and any corresponding rights of due process thereunder."

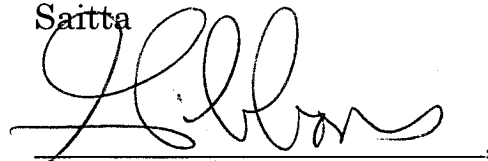
“When granting probation, courts have broad discretion to impose restrictive conditions to foster rehabilitation and to protect public safety. . . . If the defendant considers the conditions of probation more harsh than the sentence the court would otherwise impose, he has the right to refuse probation and undergo the sentence.” Himmage v. State, 88 Nev. 296, 299, 496 P.2d 763, 765 (1972) (quoting People v. Mason, 488 P.2d 630, 632 (Cal. 1971)).

Here, Miller chose to accept probation. By accepting probation, he accepted the condition that required him to surrender his California license to grow and sell medical marijuana. This condition does not offend “the public Acts, Records, and judicial Proceedings of” the State of California. U.S. Const. art. IV, § 1; see also Nevada v. Hall, 440 U.S. 410, 421-22, 424 n.24 (1979); Mianecki v. District Court, 99 Nev. 93, 96, 658 P.2d 422, 424 (1983). Nor does it exceed the district court’s wide discretion in imposing conditions of probation. See NRS 176A.400(1); Igbinoia v. State, 111 Nev. 699, 707, 895 P.2d 1304, 1309 (1995). Accordingly, we conclude that Miller is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge  
State Public Defender/Carson City  
State Public Defender/Ely  
Attorney General Catherine Cortez Masto/Carson City  
Eureka County District Attorney  
Eureka County Clerk