

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL ANDRADE-MENDOZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53382

FILED

SEP 04 2009

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of level-three trafficking in a controlled substance. First Judicial District Court, Carson City; James E. Wilson, Judge. The district court sentenced appellant, Daniel Andrade-Mendoza, to serve a prison term of 10 to 25 years and imposed a \$5000 fine.

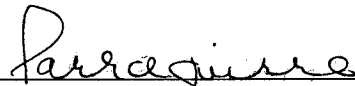
Andrade-Mendoza contends that the district court abused its discretion by finding that he did not provide substantial assistance pursuant to NRS 453.3405(2), and therefore was not entitled to receive a sentence reduction.

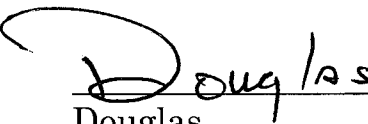
NRS 453.3405(2) authorizes the district court to reduce or suspend the sentence of any person convicted of trafficking in a controlled substance if "he finds that the convicted person rendered substantial assistance in the identification, arrest or conviction," of any person involved in trafficking in a controlled substance. This court has established that "an arrest is not a necessary prerequisite to a determination that a defendant has rendered substantial assistance;" however, "substantial assistance is [not] rendered as a matter of law whenever a defendant provides law enforcement officers with

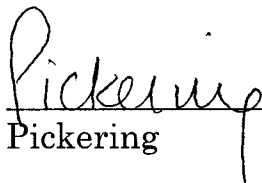
information.” Parrish v. State, 116 Nev. 982, 990-91, 12 P.3d 953, 958 (2000). Instead, the district court must determine whether a defendant has rendered substantial assistance based on “the sincerity, reliability, quality and value of a defendant’s efforts.” Id. at 991, 12 P.3d at 958. We review the district court’s decision to grant a sentence reduction pursuant to NRS 453.3405(2) for abuse of discretion. Id.

Having considered the parties’ arguments and the record provided on appeal, we conclude that the district court did not abuse its discretion by determining that Andrade-Mendoza did not provide substantial assistance pursuant to NRS 453.3405(2) and was not entitled to a sentence reduction, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Carson City Clerk