

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD HAROLD SEAMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56330

FILED

MAR 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

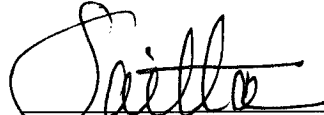
ORDER OF AFFIRMANCE

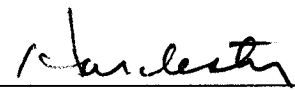
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of leaving the scene of an accident involving personal injury. First Judicial District Court, Carson City; James Todd Russell, Judge.

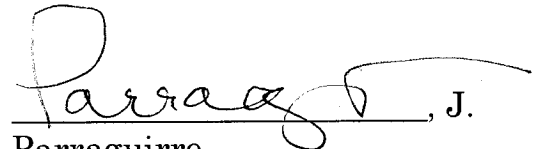
Appellant Richard Harold Seaman contends that the district court abused its discretion by denying his motion to elect treatment as an alcoholic, see NRS 458.290-.350, and imposing a term of incarceration because he “met all the eligibility requirements for treatment.” We disagree. Seaman fails to offer any persuasive authority or argument in support of his claim that NRS 458.290-.350 somehow limits the district court’s discretion to consider factors such as the severity of the crime, the defendant’s conduct, and/or the impact on the victims in making its determination. See NRS 458.320(2) (court may consider “relevant information”); NRS 458.320(3) (if the court determines that the defendant is eligible for a treatment program, the court may defer sentencing and place the defendant in such a program). Further, after reviewing Seaman’s evaluations and conducting a hearing, the district court expressed concern about his chance for rehabilitation and found him not to be a good candidate for treatment. See NRS 458.320(2). Therefore, we

conclude that the district court did not abuse its discretion by denying Seaman's motion to elect treatment and imposing a term of incarceration, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. James Todd Russell, District Judge
Loren Graham
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk