

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY CATANIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57429

FILED

JUL 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Youney
DEPUTY CLERK

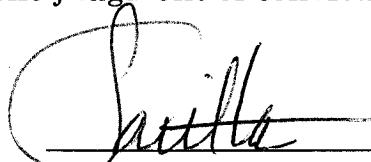
ORDER OF AFFIRMANCE

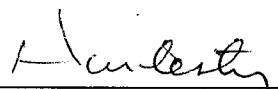
This is an appeal from a judgment of conviction entered pursuant to a guilty plea of felony reckless driving. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

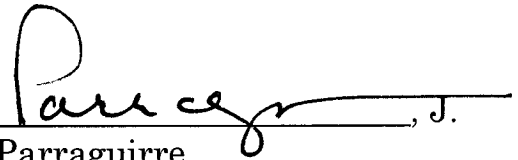
Appellant Mary Catania contends that the district court erred by denying her motion to elect treatment for her alcoholism. Catania asserts that she qualified for treatment under NRS 458.290-.350; treatment under these statutes is mandatory for those who are qualified and eligible; and she cannot be denied treatment based on the original charge of driving under the influence of alcohol causing substantial bodily harm, a charge that would have rendered her ineligible, because she was not convicted of that charge. Placement in a treatment program is not mandatory, see 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), and Catania has not offered any persuasive authority or argument in support of her claim that NRS 458.290-.350 limits the district court's discretion to consider factors such as the severity of the crime, the defendant's conduct, or the impact to the victim in making its determination, see NRS 458.320(2) (the court may consider "relevant information"); Martinez v. State, 114 Nev.

735, 738, 961 P.2d 143, 145 (1998) (sentencing judge has discretion “to consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant”). Accordingly, Catania has failed to demonstrate that the district court abused its discretion by denying her motion to elect treatment and imposing sentence, therefore we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
William S. Skupa
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk