

IN THE SUPREME COURT OF THE STATE OF NEVADA

SARA REBECCA MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57802

FILED

JUL 14 2011

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

ORDER OF AFFIRMANCE

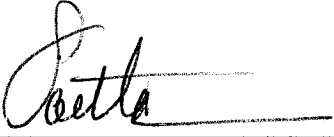
This is an appeal from a judgment of conviction entered pursuant to an Alford plea of being under the influence of a controlled substance. See North Carolina v. Alford, 400 U.S. 25 (1970). Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

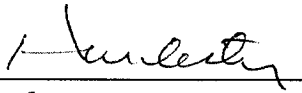
Appellant Sara Rebecca Martin contends that the district court abused its discretion by revoking her diversion and entering a judgment of conviction. She claims that the NAC 213.590 factors that the Division of Parole and Probation uses to develop its sentencing recommendations support her continued diversion, relapses during stressful holiday periods are common with people struggling to recover from their addictions, and prison will not solve her substance abuse and addiction problems.

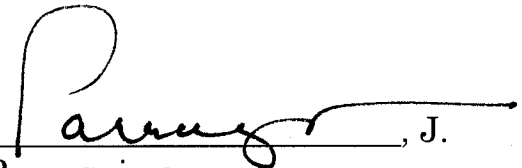
Pursuant to NRS 453.3363, the district court placed Martin in a diversion program with express conditions that she not possess or consume any alcoholic beverages or controlled substances and that she submit to random drug testing. The Division subsequently filed two violation reports. The district court conducted an evidentiary hearing and found that Martin consumed alcohol and failed to cooperate with the officers administering the drug tests. The record on appeal supports the

district court's factual findings and we conclude that Martin has not demonstrated that the district court abused its discretion by revoking her diversion and entering a judgment of conviction. See NRS 453.3363(2). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk