

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICK LEROY ROGERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60217

FILED

NOV 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

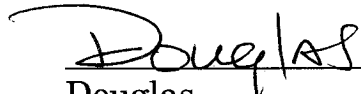
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. First Judicial District Court, Carson City; James E. Wilson, Judge.

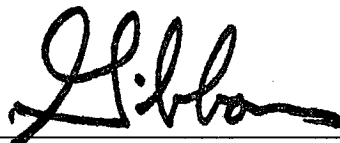
Appellant Erick Leroy Rogers contends that the district court abused its discretion at sentencing by denying his petition for admission to drug court because it did not make sufficient findings on the record supporting its decision. We conclude that this contention is without merit. The district court stated that it considered Rogers' substance abuse evaluation but concluded that Rogers was a danger to the community as evidenced by his twelve felony and thirteen misdemeanor convictions. This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Rogers does not allege that the district court relied on "impalpable or highly suspect evidence," see Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), or that the relevant statutes are unconstitutional, see Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996), and the 48-120 month sentence imposed is within the parameters provided by the relevant statute, see NRS 205.060(2).

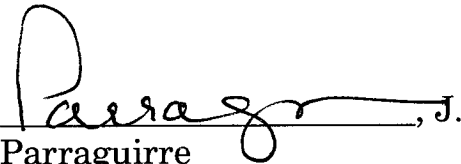
Rogers also contends that the district court abused its discretion by ordering Rogers to pay \$500 in attorney's fees because he will be unable to pay the fee when he is discharged from prison. See NRS 178.3975(2). We disagree. According to Rogers' own statement during sentencing, he has two offers of employment and, since his last conviction, he has paid back \$2,800 in restitution, \$400 in court fines, and was never behind on his supervision fees.

Having considered Rogers' contentions and concluded that the district court did not abuse its discretion at sentencing, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

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