

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONYA MICHELLE VEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60755

FILED

JAN 16 2013

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 felony DUI. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

First, appellant Tonya Michelle Veal contends that her due process rights were violated by the district court's refusal to consider her request for entry into an alternative treatment program. Veal claims the district court mistakenly believed "there was no other choice" but to impose a term of incarceration. We disagree with Veal's contention.

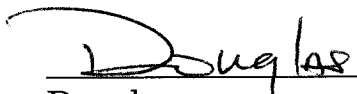
After pleading guilty to third-offense DUI, Veal was permitted to participate in a treatment program; as a result, the proceedings were suspended, a 3-year probationary term was granted, and no adjudication of guilt was entered. See NRS 484C.340(4)(a). Veal, however, was terminated from the program prior to its completion. Veal was not eligible to receive the benefit of an alternative treatment program because, pursuant to NRS 484C.340(4)(b)(2), a district court "will enter a judgment of conviction" (emphasis added) and impose a term of incarceration "[i]f the offender . . . fails to complete the treatment satisfactorily." Therefore,


we conclude that the district court did not violate Veal's due process rights by entering a judgment of conviction and imposing a term of incarceration.

Second, Veal contends that her right to be protected from double jeopardy was violated by the imposition of a prison term after nearly three years in the treatment program "because she was effectively punished twice for the same conduct." Veal did not object on this basis at the sentencing hearing, and on appeal offers no legal authority or persuasive argument in support of her contention. See generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). We conclude that Veal is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Doug Smith, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk