

IN THE SUPREME COURT OF THE STATE OF NEVADA

LIONELL MARLO BROUGHTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60827

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 obtaining and using the personal identification of another. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

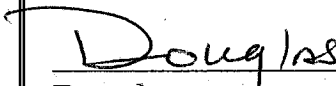
Appellant's sole contention on appeal is that the district court abused its discretion by ignoring his drug addiction and mental health condition and instead inappropriately sentencing him to a lengthy prison term—60 to 216 months to run consecutively to his sentence in another case—under the guise of protecting society. In this, he argues that society would be best protected by securing a permanent resolution of his addiction and mental health condition by placing him on probation, with a special condition of completing drug court.

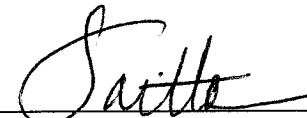
The district court is afforded considerable discretion in its sentencing decision. Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Here, the district court considered appellant's representations concerning his addiction and mental health condition and found them credible. Nevertheless, the district court sentenced appellant to a prison term primarily because he committed offenses while on parole and, as a result, the district court was concerned about protecting the

public. It also appears from the record that appellant has sustained multiple prior felony convictions and probation revocations. The district court's concern for protecting society from appellant's penchant for criminal mischief was well-founded. See State v. Miller, 264 P.3d 935, 941 (Idaho 2011) ("A sentence is reasonable if it appears necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation or retribution."). Because we discern no abuse of discretion in the district court's sentencing decision, we

ORDER the judgment of the conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Scott N. Freeman, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk