

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAUL PIMENTEL HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60913

FILED

DEC 12 2012

TACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Appellant argues that the district court abused its discretion by denying his request to enter into a diversion program and not placing him on probation. In fashioning appellant's sentence, the district court considered appellant's request and rejected probation in light of his significant criminal history, which included convictions for violent offenses, and the fact that he committed the instant offense after having absconded while on parole for another crime. Under those circumstances, we cannot say that the district court abused its broad discretion in sentencing appellant as it did. Houk v. State, 103 Nev. 659, 664, 747 P.2d

1376, 1379 (1987) (observing that the district court is afforded wide discretion in sentencing decisions). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Saitta, J.
Saitta

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk