

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE YVETTE BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61254

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. J. J. J.*
DEPUTY CLERK

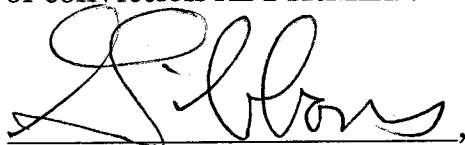
ORDER OF AFFIRMANCE

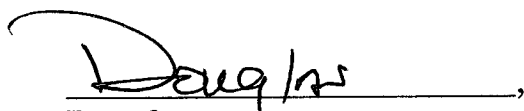
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of grand larceny. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

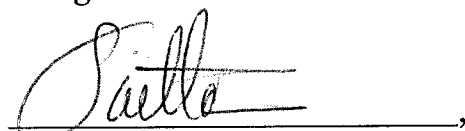
Appellant Michelle Brown argues that the district court abused its discretion by imposing a sentence of incarceration rather than placing her in a substance abuse treatment program. Brown claims that the district court believed it was unable to offer substance abuse treatment, however, a reading of the record reveals that the district court was aware of its options at sentencing and concluded that Brown was not a viable candidate for a drug treatment program due to her multiple prior felonies and repeated failures to appear. Brown's sentence of 24 to 60 months in prison is within the statutory limits, see NRS 193.130(2)(c), NRS 205.222(2), and she does not allege that the district court relied solely on "impalpable and highly suspect evidence," Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). It is within the district court's discretion whether to order substance abuse treatment, see NRS 458.320(2), and we conclude that the district court did not abuse its discretion by declining to do so here, see Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987).

Accordingly, we

ORDER the judgment of 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