

IN THE SUPREME COURT OF THE STATE OF NEVADA

RACHEL NICOLE GENDRON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61270

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
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.


First, appellant Rachel Gendron argues that the district court abused its discretion at sentencing for failing to state whether she provided substantial assistance to law enforcement. We disagree. NRS 453.3405(2) does not include grand larceny as a charge in which the district court is required to make a specific finding as to whether a defendant has provided substantial assistance. See Parrish v. State, 116 Nev. 982, 988, 12 P.3d 953, 956 (2000) (the substantial assistance reduction is “intended to provide an incentive to drug-trafficking offenders to cooperate with law enforcement in the investigation of other drug traffickers”). Moreover, Gendron’s guilty plea was not contingent upon providing substantial assistance. We therefore conclude that Gendron’s claim lacks merit.

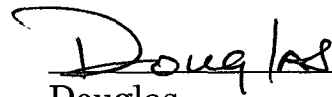
Second, Gendron argues that the district court abused its discretion by refusing her request for substance abuse treatment as an alternative to incarceration. It is within the district court’s discretion whether to order substance abuse treatment, see NRS 458.320, and we


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). Gendron's sentence of 24 to 60 months in prison is within the statutory limits, see 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).

Having considered Gendron's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

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