

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARBARA JEAN LARSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63539

FILED

MAR 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK

ORDER OF REMAND

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of embezzlement and obtaining benefits as a result of false statements or failure to disclose material facts. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant contends that the district court erred by failing to conduct a hearing on her motion for assignment to a program for the treatment of problem gambling as required by NRS 458A.220(1). The State represents that the First Judicial District Court does not have a program for the treatment of problem gambling, and appellant has not demonstrated otherwise.

The sentencing transcript reveals that the district court heard argument on appellant's motion but did not make any factual findings or expressly rule on the motion. Consequently, it is not evident that the district court actually considered whether appellant was eligible to elect treatment under NRS 458A.210, committed her crimes "in furtherance or as a result of problem gambling," and "should receive treatment under the supervision of a qualified mental health professional." NRS 458A.220(1).

We conclude that this matter must be remanded for proper consideration of appellant's motion and the entry of appropriate factual

findings. If the First Judicial District Court does not have a program for treating problem gambling and the district court determines that appellant should receive such treatment, the district court may consider the availability of treatment programs in other judicial districts. Accordingly, we

ORDER this matter REMANDED to the district court for proceedings consistent with this order.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

¹This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.