IN THE SUPREME COURT OF THE STATE OF NEVADA

TASSAPORN KAITHONG,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36098

FILED

AUG 18 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's motion to withdraw his guilty plea or alter his sentence.

Appellant pleaded guilty, on January 6, 1992, to one count of grand larceny auto with intent to promote, further, or assist a criminal gang, and one count of grand larceny with intent to promote, further, or assist a criminal gang. On July 15, 1992, this district court ordered appellant committed to a program of regimental discipline for 150 days before sentencing.

On January 12, 1993, the district court sentenced appellant to prison for a term of 10 years for grand larceny auto, with a consecutive term of 10 years for the gang enhancement, and a term of 5 years for grand larceny with a consecutive term of 5 years for the gang enhancement. The district court suspended the sentence and placed appellant on

probation for a period not to exceed 5 years. Appellant was honorably discharged from probation in 1994.

On December 21, 1999, appellant filed a motion to withdraw his guilty plea, and on March 7, 2000, appellant filed a supplement to the motion requesting, alternatively, that the sentence be modified. Specifically, appellant argued that he "received double punishment in that he was first sentenced to Boot Camp and then required that he be on probation." The district court held a hearing on the motions and entered an order on April 17, 2000, denying the motions.

On appeal, appellant argues that the district court erred by denying the motion to correct the sentence. Appellant's argument, in its entirety, is: "The first sentence[1] was a complete sentence and was imposed without conditions, and the subsequent sentence[2] was double jeopardy."

Assuming that the district court had jurisdiction to entertain appellant's motion, we conclude that the district court did not err. NRS 176A.780(1)[3] provides, in pertinent part, that the district court "may order the defendant satisfactorily to complete a program of regimental discipline

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[1]Appellant is referring to the district court's order committing him to a program of regimental discipline.

[2]Appellant is referring to the actual sentence imposed in the judgment of conviction.

[3]At the time of appellant's conviction, the statute was NRS 176.2248. It has since been re-numbered as NRS 176A.780.

for 150 days before sentencing the defendant." (Emphasis added). Moreover, the district court's order committing appellant to regimental discipline states that the commitment is "for a period of 150 days to undergo a program of regimental discipline before sentencing." Accordingly, we conclude that appellant's contention is without merit, and we

ORDER this appeal dismissed.

_____, J.
Young

_____, J.
Agosti

_____, J.
Leavitt

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Christopherson Law Offices
Clark County Clerk