

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN TROY HENLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36576

FILED

JAN 05 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of conspiracy to obtain money by false pretenses, a gross misdemeanor. The district court sentenced appellant to five months in jail, suspended the jail sentence, and placed appellant on probation for an indeterminate period not to exceed 24 months. The district court also ordered appellant to pay the victim \$955.14 in restitution and \$1,200.00 in attorney's fees to the Elko County Public Defender's Fund.

Appellant's sole contention on appeal is that the district court abused its discretion in determining the attorney's fee portion of the sentence. Appellant contends that the district court erred when it determined that \$75.00 per hour was not enough and that \$150.00 per hour was a more reasonable amount.

After a review of the record, we conclude that the district court did not abuse its discretion in setting the


\$150.00 per hour rate, an amount that the district court determined was reasonable and appropriate in this case. See NRS 178.3975(1); NRS 178.398.

Accordingly, we affirm the judgment of the district court.

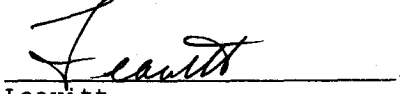
It is so ORDERED.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Jack B. Ames, District Judge
Attorney General
Elko County District Attorney
Elko County Public Defender
Elko County Clerk