

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRAVIS ALEXANDER VOLPICELLI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76829-COA

TRAVIS ALEXANDER VOLPICELLI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76830-COA

**FILED**

APR 29 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Travis Alexander Volpicelli appeals from a judgment of conviction entered pursuant to a guilty plea of embezzlement, property value \$650 or greater but less than \$3,500, entered in district court case number CR180025 (Docket No. 76829) and a judgment of conviction entered pursuant to a guilty plea of obtain and use of personal identifying information of another to harm, obtain credit, or for an unlawful purpose entered in district court case number CR180163 (Docket No. 76830). Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

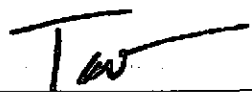
Volpicelli argues the district court abused its discretion by denying his request for placement in a drug or alcohol treatment program pursuant to NRS 458.300. Volpicelli also asserts the district court failed to make appropriate findings regarding its decision to decline to assign him to such a program. The district court has discretion when deciding whether to assign a person to a treatment program under NRS 458.300: *Cassinelli v.*

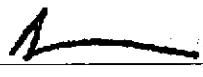
*State*, 131 Nev. 606, 615-619, 357 P.3d 349, 356-58 (Ct. App. 2015). “If the court, acting on the report or other relevant information, determines that the person is not an alcoholic or drug addict, is not likely to be rehabilitated through treatment or is otherwise not a good candidate for treatment, the person may be sentenced and the sentence executed.” NRS 458.320(2).

The record reveals the district court understood Volpicelli was eligible for a drug or alcohol treatment program, but stated such a program was not appropriate because it did not believe Volpicelli to be the “type of defendant for whom the diversion program was set up” and due to the serious nature of his offenses. The district court’s findings were sufficient and the record before this court supports the district court’s conclusions in this regard. *See Cassinelli*, 131 Nev. at 615-19, 357 P.3d at 356-58. The district court ordered Volpicelli to serve concurrent terms of probation with a suspended prison sentence of 24 to 60 months in prison, which was within the parameters of the relevant statutes. *See* NRS 176A.500(1)(b); NRS 193.130(2)(c); NRS 205.222(2); NRS 205.300(1); NRS 205.463(1)(b). We conclude Volpicelli fails to demonstrate the district court abused its discretion when imposing sentence. Accordingly, we

ORDER the judgments of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Barry L. Breslow, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk