IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRYSTAL MARIE BALDRIDGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68605

FILED

MAY 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of stop required upon signal of a peace officer. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Crystal Marie Baldridge first argues there was insufficient evidence to support the jury's finding of guilt. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); *see also Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

The sheriff's deputy testified he attempted to stop Baldridge's van on the highway and had the lights and sirens activated on his police vehicle at that time. He stated Baldridge initially pulled her vehicle to the side of the road, but that she drove over the curb, then into the parking lot of a business. He testified she then drove at approximately 40 miles per hour around the business, where her path was blocked by the building. The deputy stated he then pulled his car in behind her vehicle, turned off the sirens so that Baldridge could hear his commands, and exited his vehicle. He testified that she then reversed her vehicle, driving into his

police vehicle, which damaged his vehicle. Based upon the evidence presented at trial, we conclude the jury could reasonably find Baldridge failed to stop upon the signal of the deputy and operated her vehicle in a manner likely to endanger any other person or property. *See* NRS 484B.550(1), (3)(b). It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. *See Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); *see also McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Therefore, Baldridge is not entitled to relief for this claim.

Second, Baldridge argues the district court abused its discretion by denying Baldridge's request for placement in an alcohol treatment program pursuant to NRS 458.300. Baldridge asserts the district court failed to make appropriate findings regarding its decision to decline to assign Baldridge to a treatment program. Even if a person is eligible for a program of treatment under NRS 458.300, the district court has discretion when deciding whether to assign a person to a treatment program. *Cassinelli v. State*, 131 Nev. ___, ___, 357 P.3d 349, 358 (Nev. 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).

Here, the district court concluded the treatment program was not appropriate and ordered Baldridge to serve a term of probation with a suspended prison sentence of 12 to 48 months. The district court stated it understood that alcohol was an issue in this case, but concluded probation

was the more appropriate avenue with which to hold Baldridge accountable for her crime because a deputy and public property were put into danger by Baldridge's actions. These findings were sufficient and the record before this court supports the district court's conclusions in this regard. *See Cassinelli*, 131 Nev. at ___, 357 P.3d at 358. We conclude Baldridge fails to demonstrate the district court abused its discretion.

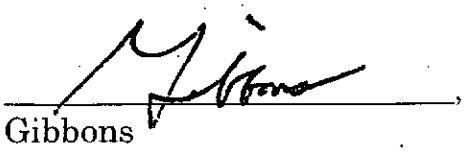
Third, Baldridge argues the district court erred by permitting a sheriff's deputy to make a victim impact statement at the sentencing hearing. Baldridge asserts the deputy was not a victim as defined by NRS 176.015(5)(d). The Nevada Supreme Court has explained that NRS 176.015 "grants certain victims of crime the right to express their views before sentencing; it does not limit in any manner a sentencing court's existing discretion to receive other admissible evidence." *Wood v. State*, 111 Nev. 428, 430, 892 P.2d 944, 946 (1995); *see also* NRS 176.015(6) (stating "[t]his section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing."). Here, the district court permitted the deputy to testify at the sentencing hearing because he witnessed the crime and Baldridge damaged his vehicle. We conclude the district court did not abuse its discretion in this regard.

Fourth, Baldridge argues the district court erred during the sentencing hearing by permitting the sheriff's deputy to speculate and discuss facts that were not admitted at trial. Baldridge asserts the deputy improperly speculated that Baldridge could have hurt others, improperly discussed actions he had to take to stop Baldridge, and improperly stated he felt he was in danger during this incident. We conclude the district court did not abuse its discretion in this regard. *See Silks v. State*, 92 Nev.

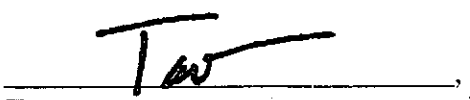
91, 93-94, 545 P.2d 1159, 1161 (1976) (a sentencing "court is privileged to consider facts and circumstances which clearly would not be admissible at trial.").

Having considered Baldridge's arguments and concluded they lack merit, we

ORDER the judgment of conviction AFFIRMED.



_____, C.J.
Gibbons



_____, J.
Tao

_____, J.
Silver

cc: Hon. James Todd Russell, District Judge
Evenson Law Office
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk