

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBUR REYNOLDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38962

FILED

JUN 05 2002

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 one count of using a controlled substance. The district court sentenced appellant to a prison term of 5 years.

Appellant contends that the district court erred at sentencing. Specifically, appellant argues that, pursuant to Sparkman v. State,¹ NRS 453.341 requires that the district court impose a sentence that comports with the 1995 amendment to NRS 453.411.

Former NRS 453.411(3)(a) required the district court to sentence appellant to a term of not less than 1 year nor more than 6 years in prison.² When the legislature amended NRS 453.411(3)(a) and reduced the statutory penalties in 1995, it clearly stated that the amendments do not apply to offenses committed before July 1, 1995.³ The information to which appellant pleaded guilty charged appellant with using a controlled

¹95 Nev. 76, 590 P.2d 151 (1979).

²1995 Nev. Stat., ch. 443, § 300, at 1291.


³Id. §§ 300, 393, at 1291, 1340. We note that the 1997 amendments did not alter the statutory penalties for offenses under NRS 453.411. 1997 Nev. Stat., ch. 203, § 24, at 546-47.


substance on January 15, 1995. Therefore, the district court correctly sentenced appellant pursuant to the pre-1995 version of NRS 453.411.

In addition, appellant's reliance on Sparkman is misplaced. Unlike the amendments at issue in Sparkman, the legislature expressly stated that the amendments to NRS 453.411 do not apply to offenses committed before July 1, 1995.⁴ Accordingly, we conclude that the specific statements of legislative intent control over the more general language of NRS 453.341 that provided the basis for our decision in Sparkman. We therefore conclude that appellant's contention is without merit and we

ORDER the judgment of conviction AFFIRMED.

 J.
Shering

 J.
Rose

 J.
Becker

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

⁴Compare 1977 Nev. Stat., ch. 567, §§1-17, at 1407-17, with 1995 Nev. Stat., ch. 443, § 393, at 1340.