

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY LOUIS REPMAN, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39370

FILED

SEP 12 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of level-three trafficking in a controlled substance. The district court sentenced appellant Larry Louis Repman, Jr., to serve a prison term of 10 to 25 years.

Repman's sole contention is that the district court abused its discretion at sentencing in finding that Repman had not rendered substantial assistance to law enforcement authorities. Specifically, Repman contends that he rendered substantial assistance when he supplied law enforcement with information which led to the arrest of two individuals for trafficking in a controlled substance. We conclude that the district court did not abuse its discretion in finding that Repman failed to render substantial assistance.

NRS 453.3405(2) provides that the district court may reduce or suspend the sentence of any person convicted of trafficking in a controlled substance "if he finds that the convicted person rendered substantial assistance in the identification, arrest or conviction of any . . . person involved in trafficking in a controlled substance." (Emphasis added.) In construing NRS 453.3405(2), this court has recognized that the legislature has vested the district court with great discretion in reducing a

defendant's sentence for substantial assistance.¹ Generally, the district court may exercise that discretion in one of two ways:

First, the district court may find that a defendant has not rendered substantial assistance under the statute, and therefore is not eligible for a sentence reduction or suspension. Second, even if the district court finds that a defendant has rendered substantial assistance in accordance with NRS 453.3405(2), the district court is still free in its discretion to reduce or suspend the sentence.²

In the instant case, the record reveals that the district court properly considered the requirement of NRS 453.3405(2) and found that Repman did not render substantial assistance. In fact, the district court stated: "Given the legislative intent of that statute, this Court believes that [the legislative intent of NRS 453.3405] was you catch a drug dealer, and he provides you with substantial assistance to catch other drug dealers, which in this case did not occur." The district court's factual findings that Repman did not provide law enforcement with information leading to the arrest of drug traffickers is supported by the record. Although Repman provided law enforcement with information about two individuals, the district court ultimately found those individuals were not involved in trafficking controlled substances and, instead, had only possessed a small quantity of controlled substances. Because Repman did not provide law enforcement with information leading to the arrest, identification, or conviction of an individual engaged in drug trafficking as


¹Parrish v. State, 116 Nev. 982, 988-89, 12 P.3d 953, 957 (2000).

²Id. at 991, 12 P.3d at 958.

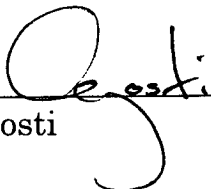
required by NRS 453.3405(2), the district court did not abuse its discretion in refusing to reduce Repman's sentence.

Having considered Repman's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Rose

 _____, J.
Young

 _____, J.
Agosti

cc: Hon. Robert E. Estes, District Judge
Lyon County Public Defender
Attorney General/Carson City
Lyon County District Attorney
Lyon County Clerk