

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAQUIN MATIAS RIVERA-JIMENEZ  
A/K/A JOQUIN MATIAS RIVERA-  
JIMENEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39497

FILED

SEP 15 2002

ORDER OF AFFIRMANCE


JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

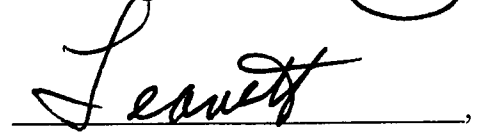
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance. The district court sentenced appellant to serve a prison term of 120 to 300 months. The district court further ordered appellant to pay a fine in the amount of \$50,000.00.


Appellant's sole contention is that the district court abused its discretion by finding that appellant had not rendered substantial assistance pursuant to NRS 453.3405(2), and therefore was not entitled to receive a sentence reduction. Appellant gave law enforcement officials the names of several individuals who were allegedly involved in the sale of narcotics. At sentencing, Officer Ayala testified that he was unable to corroborate or follow-up on any of the names given to him by appellant because the information was too vague. Because appellant was an illegal immigrant, the INS placed a hold on him and he could not be released into the community to set up a buy. At that point, appellant introduced law enforcement officials to a third party who could set up a buy. Unfortunately, the third party was subsequently deported, and no arrests were made.

The decision to grant “a sentence reduction under NRS 453.3405(2) is a discretionary function of the district court.”<sup>1</sup> In this case, the district court specifically found that, under the totality of the circumstances, appellant did not render substantial assistance.<sup>2</sup> We conclude that appellant has failed to demonstrate that the district court abused its discretion. Moreover, appellant cites no authority, and we know of none, for the proposition that substantial assistance may be rendered by a third party for the benefit of a defendant. Having considered appellant’s contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

cc: Hon. Janet J. Berry, District Judge  
Charles C. Diaz  
Walter B. Fey  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>Matos v. State, 110 Nev. 834, 838, 878 P.2d 288, 290 (1994).

<sup>2</sup>See Parrish v. State, 116 Nev. 982, 992, 12 P.3d 953, 959 (2000) (where evidence is presented regarding substantial assistance, district court must make a specific finding whether substantial assistance has been provided).