

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERESO ARELLANO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40122

FILED

JAN 31 2003

ORDER OF AFFIRMANCE

CHRISTEN BLOOM
CLERK OF THE SUPREME COURT
BY *J. Richards*
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count each of trafficking in a controlled substance and maintaining a place for the purpose of selling and/or giving away and/or using a controlled substance. The district court sentenced appellant Tereso Arellano to serve concurrent prison terms of 10-25 years and 12-36 months, and ordered him to pay a fine of \$10,000.00.¹

Arellano's sole contention is that the district court abused its discretion by finding that he had not rendered substantial assistance pursuant to NRS 453.3405(2), and therefore was not entitled to receive a sentence reduction. Arellano argues that while he "certainly did not give the Court much to work with in terms of substantial assistance. . . . [H]e did do something." An officer from the Reno Police Department testified at Arellano's sentencing hearing that Arellano provided him with the first names of three or four people.

NRS 453.3405(2) provides that the district court may reduce or suspend the sentence of any person convicted of trafficking in a


¹Arellano was convicted pursuant to NRS 453.3385(3) and NRS 453.316(1).


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.” In other words, the decision to grant “a sentence reduction under NRS 453.3405(2) is a discretionary function of the district court.”²

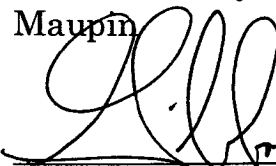
In this case, the police officer testified that the information provided by Arellano “was not helpful at all.” The district court specifically found, based on the testimony at the hearing, that Arellano did not render substantial assistance.³ Therefore, we conclude that Arellano has failed to demonstrate that the district court abused its discretion.

Having considered Arellano’s contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

²Matos v. State, 110 Nev. 834, 838, 878 P.2d 288, 290 (1994).

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

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk