

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD W. COLLINS,  
Appellant,  
vs.  
MELANIE C. COLLINS,  
Respondent.

No. 41224

FILED

MAR 04 2004

ORDER OF AFFIRMANCE

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

This is a proper person appeal from a final divorce decree.

This court will not interfere with a district court's disposition of the parties' community property, unless it is clear from the entire record that the district abused its discretion.<sup>1</sup> Further, "[t]his court's rationale for not substituting its own judgment for that of the district court, absent an abuse of discretion, is that the district court has a better opportunity to observe parties and evaluate the situation."<sup>2</sup> Under NRS 125.150(1)(b), the district court must, to the extent practicable, make an equal disposition of the parties' community property. The court may make an unequal disposition of the community property, however, in proportions it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.<sup>3</sup>

Here, the district court determined that the two Las Vegas houses did not have any equity. Thus, there were no assets for the court to divide. Therefore, the district court awarded respondent the houses as her sole and separate property. Respondent was also held responsible for the \$6,000 credit card debt, which was an offset against respondent's

<sup>1</sup>Shane v. Shane, 84 Nev. 20, 22, 435 P.2d 753, 755 (1968).

<sup>2</sup>Wolff v. Wolff, 112 Nev. 1355, 1359, 929 P.2d 916, 919 (1996) (citing Winn v. Winn, 86 Nev. 18, 20, 467 P.2d 601, 602 (1970)).

<sup>3</sup>NRS 125.150(1)(b).

\$6,000 interest in her 401K account. The district court concluded that an unequal disposition of the community property was warranted based on appellant's criminal misconduct.

We have previously recognized that the legislature, in requiring an equal division of community property, unless the court finds a compelling reason for an unequal division,<sup>4</sup> has sought to ensure that Nevada remains a no-fault divorce state.<sup>5</sup> Consequently, a district court should not use an unequal disposition of the community property as a form of punishment for criminal behavior. Nevertheless, the district court did not abuse its discretion when it determined that no equity existed in the houses, and thus awarded the houses to respondent. In fact, one of the houses has a negative equity of \$18,000. Moreover, since appellant has no way of satisfying the credit card debt while in prison, the district court properly concluded that respondent was obligated to pay off the credit card debt, in exchange for an offset against her interest in the 401K plan. This court will affirm a district court's decision if it reached the correct result, even if for the wrong reasons.<sup>6</sup>

With respect to spousal support, the district court is entitled to wide discretion in determining whether to grant spousal support, as well as the amount thereof.<sup>7</sup> Thus, absent an abuse of discretion, this court will not disturb the district court's determination as to spousal support.<sup>8</sup>

---

<sup>4</sup>Id.

<sup>5</sup>Wheeler v. Upton-Wheeler, 113 Nev. 1185, 1189-90, 946 P.2d 200, 203 (1997).

<sup>6</sup>Rosenstein v. Steele, 103 Nev. 571, 747 P.2d 230 (1987).

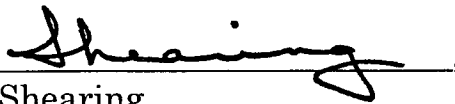
<sup>7</sup>Fick v. Fick, 109 Nev. 458, 464, 851 P.2d 445, 450 (1993).

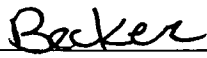
<sup>8</sup>Daniel v. Baker, 106 Nev. 412, 414, 794 P.2d 345, 346 (1990).

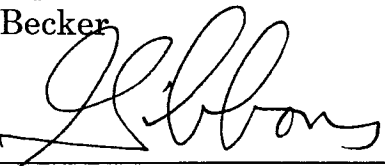
NRS 125.150 authorizes the district court to award spousal support as is just and equitable. This court has noted that the individual circumstances of each case will determine the appropriate amount and length of any spousal support award.<sup>9</sup> Here, the district court concluded that appellant was not entitled to either rehabilitative or equitable spousal support, since he is incarcerated. The district court did not abuse its discretion when it denied appellant's request for spousal support.

Having reviewed the record, we conclude that the district court did not abuse its discretion when it disposed of the parties' community property and when it denied appellant's motion for spousal support. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>10</sup>

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

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

  
\_\_\_\_\_, J.  
Gibbons

---

<sup>9</sup>Id.

<sup>10</sup>Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.

We deny appellant's April 25, 2003 motion for the appointment of counsel.

cc: Hon. William O. Voy, District Judge, Family Court Division  
Baker Law Offices  
Ronald W. Collins  
Clark County Clerk