

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAUL ALBERTO SERRANO-CASTRO
A/K/A RAFAEL RUBIO INDIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42327

FILED

JUN 14 2004

ORDER OF AFFIRMANCE

JANETTE 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 Raul Alberto Serrano-Castro to serve a prison term of 10 to 25 years.

Serrano-Castro contends that the district court erred by finding that he was ineligible for a sentence reduction because he had not rendered substantial assistance to law enforcement authorities. In particular, Serrano-Castro contends that the district court applied a higher standard than that set forth in NRS 453.3405 by considering whether the identifying information Serrano-Castro provided about drug traffickers was "useful in controlling the flow of controlled substances." We conclude that Serrano-Castro's contention lacks merit.

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 [it] finds that the convicted person rendered substantial assistance in the identification, arrest or conviction of any of his accomplices, accessories, coconspirators or principals or of any other person involved in trafficking in a controlled substance." In construing NRS 453.3405(2), this court has recognized that the legislature has vested

the district court with great discretion in deciding whether to reduce a defendant's sentence for substantial assistance.¹ "However, a judicial determination of whether or not substantial assistance has been rendered must be made by application of the statutory requirements to the defendant's efforts. If the district court sets a higher standard than is statutorily required . . . the purpose of the statute is defeated."²

In the instant case, we disagree with Serrano-Castro that the district court applied the wrong standard in considering whether substantial assistance was rendered. Prior to ruling on the issue of substantial assistance, the district court specifically discussed this court holding in Parrish v. State, explaining:

I don't just take the word of [law enforcement agencies], I have to determine what the defendant here has actually done, what he has provided in the way of information concerning the identity of persons involved in the drug trade and how useful that information might be.

The district court then discussed the nature of the identifying information provided by Serrano-Castro³ and expressly determined that it was not "substantial" because it was not "sufficiently useful to law enforcement." We conclude that the district court did not err in its substantial assistance

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

²Id. at 991, 12 P.3d at 958.

³Serrano-Castro provided law enforcement with the names and identifying information of three people, only one of which could be located. In the fast track statement, Serrano-Castro concedes that he "certainly did not give the Court much to work with in terms of substantial assistance. However he did do something."


determination because the standard applied comported with NRS 453.3405 and this court's holding in Parrish.

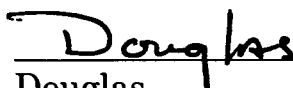
Moreover, we conclude that the district court's finding that Serrano-Castro did not render substantial assistance to law enforcement authorities is supported by substantial evidence. In particular, Narcotics Task Force Officer Josh Adler testified at the sentencing hearing that Serrano-Castro refused to identify the supplier who sold him drugs. Although Officer Adler admitted that Serrano-Castro provided him with the identifying information of several individuals who had purchased cocaine from him, Officer Adler described that information as "worthless." Accordingly, we conclude that the district court did not err or abuse its discretion in refusing to reduce the sentence.

Having considered Serrano-Castro's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

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