

IN THE SUPREME COURT OF THE STATE OF NEVADA

PEGGY LYNNE NUSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54224

**FILED**

**OCT 21 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

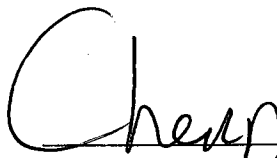
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted uttering a forged instrument. Second Judicial District Court, Washoe County; Robert H. Perry, Judge. The district court sentenced appellant Peggy Lynne Nuss to serve 9 months in jail, suspended imposition of the sentence, and placed Nuss on probation for a period not to exceed 24 months.

The sole issue on appeal is whether the district court abused its discretion by requiring Nuss to abstain from the use, possession or control of alcohol as a condition of probation. Nuss suggests that this condition is improper because she has no history of alcohol abuse and the instant offense did not involve the use of alcohol. We conclude that this argument lacks merit. The district court has broad discretion to impose conditions of probation. See NRS 176A.400(1) (setting forth a list of terms and conditions that the court may place on probation "without limitation" to the court imposing other terms and conditions); see also Igbinovia v. State, 111 Nev. 699, 707, 895 P.2d 1304, 1309 (1995) ("[A] district court judge enjoys wide discretion under grants of authority to impose . . . conditions [on probation]."); Creps v. State, 94 Nev. 351, 360-61, 581 P.2d

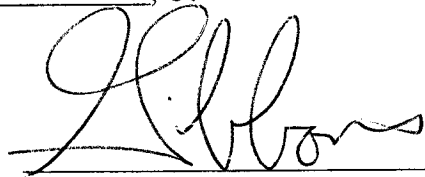
842, 848-49 (1978) (discussing prior probation statutes). Unlike the federal statutes addressed in the federal case cited by Nuss, see U.S. v. Betts, 511 F.3d 872 (9th Cir. 2007), nothing in Nevada law requires the conditions of probation to be directly related to the defendant's criminal history or the circumstances of the underlying offense. Rather, NRS 176A.400(1) allows the court to "fix the terms and conditions" of probation, including those identified in the statute, "without limitation." And the condition imposed in this case is generally consistent with the broad language in NRS 176A.400(1)(c)(4), which states that the court may impose conditions "[p]rohibiting the probationer from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person." The record does not support the assertion that the district court abused its broad discretion under NRS 176A.400.

Having considered Nuss' argument and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
Cherry, J.

  
Saitta, J.

  
Gibbons, J.

cc: Hon. Robert H. Perry, District Judge  
Washoe County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk