

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY MICHAEL MARCELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58576

FILED

MAR 07 2012

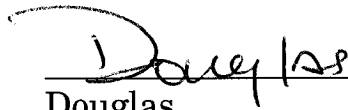
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BY *A. Anderson*
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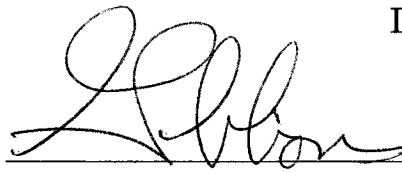
ORDER OF AFFIRMANCE

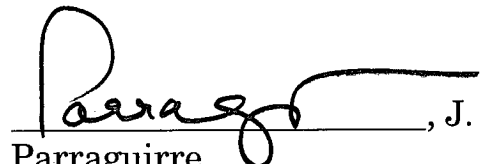
This is an appeal from a judgment of conviction entered pursuant to an Alford plea of attempting to make threats or convey false information concerning acts of terrorism, weapons of mass destruction, lethal weapons or toxins. See North Carolina v. Alford, 400 U.S. 25 (1970). Tenth Judicial District Court, Churchill County; David A. Huff, Judge.

Appellant Anthony Michael Marcelli contends that the district court abused its discretion at sentencing by failing to find that he was mentally ill and impose a judgment of "guilty but mentally ill." Marcelli provides no relevant authority in support of this contention, see generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987), and we conclude he has failed to demonstrate that the district court abused its discretion by refusing to make a finding of mental illness and change the character of his plea at sentencing, see NRS 174.035(1), (4); Parrish v. State, 116 Nev. 982, 988-89, 12 P.3d 953, 957 (2000) (reviewing a district court's

sentencing decision for an abuse of discretion). Accordingly, we
ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. David A. Huff, District Judge
The Law Office of Jacob N. Sommer
Churchill County District Attorney
Attorney General/Carson City
Churchill County Court Administrator