

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER TIMOTHY FRYE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61658

FILED

APR 10 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

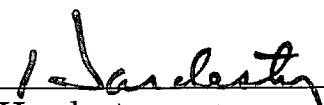
ORDER OF AFFIRMANCE

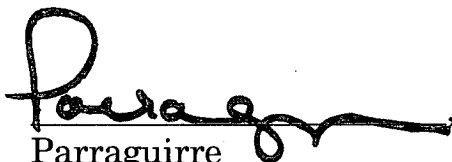
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted robbery. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

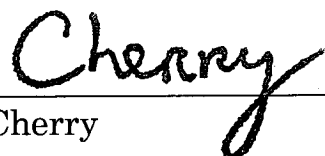
Appellant Christopher Frye argues that the district court abused its discretion by imposing a sentence of incarceration rather than placing him in a substance abuse treatment program because he had a troubled upbringing, documented mental health issues, and was under the influence of illicit substances at the time of the offense. At sentencing, the district court noted that Frye “racked up a pretty terrible criminal history in a pretty short period of time” and that he attacked others with a knife during the commission of the instant offense. We conclude that the district court did not abuse its discretion by sentencing Frye to 16-72 months imprisonment rather than placing him in a substance abuse

treatment program, see NRS 193.330; NRS 200.380; NRS 458.320; Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and we

ORDER the judgment of conviction AFFIRMED.


Hardesty, J.


Parraguirre, J.


Cherry, J.

cc: Chief Judge, Eighth Judicial District Court
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk