

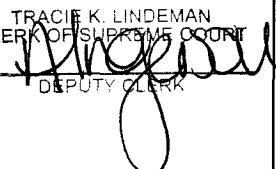
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROYCE LELAND KAAMASEE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62828

FILED

OCT 17 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a no contest plea, of unlawful use of a controlled substance. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Appellant's sole argument on appeal is that the district court abused its discretion by refusing his request to be placed in the diversion program, despite evidence that appellant suffered from a lengthy history of drug and alcohol abuse and "was facing prison time if he did not change his life and habits." He argues that the diversion program would be more conducive to his rehabilitation. We have consistently afforded the district court wide discretion in its sentencing decision, *see, e.g., Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), and will refrain from interfering with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence," *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). In rejecting diversion, the district court commended appellant's efforts to remain sober but pointed to his criminal record that appeared to be the result of drug and alcohol abuse and sentenced him to a

term of 12 to 34 months in prison, suspended, and placed him on probation for a period not exceeding 60 months. The district court further ordered appellant to undergo a mental health evaluation, follow the recommendations of treatment facility where appellant had been evaluated, and attend substance abuse outpatient counseling for four months. On this record, we cannot conclude that the district court abused its sentencing discretion. Accordingly, we

ORDER the judgment of the conviction AFFIRMED.

/ *Hardesty*, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk