

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TINA RENEE ALVAREZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72018

**FILED**

JUN 16 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Tina Renee Alvarez appeals from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit possession of a stolen vehicle, value of \$3,500 or greater, a gross misdemeanor. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Alvarez argues that the district court abused its discretion by failing to order in-patient treatment and instead sentencing her to a 364-day jail term. Further, Alvarez argues that the district court considered impalpable or highly suspect evidence when the court considered the fact that Alvarez had previously absconded from court ordered inpatient treatment.<sup>1</sup>

“The sentencing judge is accorded wide discretion in imposing a sentence; absent an abuse of discretion, this court will not disturb the district court’s determination on appeal.” *Martinez v. State*, 114 Nev. 735, 737-38, 961 P.2d 143, 145 (1998). Further, such discretion allows the district court “to consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the


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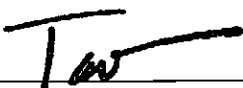
<sup>1</sup>We do not recount the facts except as necessary to our disposition.

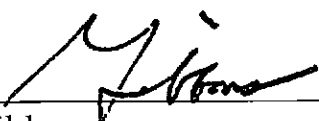
individual defendant.” *Id.* at 738, 961 P.2d at 145. “This court will refrain from interfering with the sentence imposed ‘[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.’” *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009) (alteration in original) (quoting *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976)).

Here, we conclude that Alvarez fails to demonstrate that the district court abused its discretion by refusing to order inpatient treatment. The record reveals that the district court was concerned that Alvarez had already been given the opportunity to attend inpatient treatment and had absconded from the program. Similarly, as Alvarez conceded that she failed to previously complete inpatient treatment, we conclude the district court did not rely on impalpable or highly suspect evidence when it considered this information. *See Silks*, 92 Nev. at 94, 545 P.2d at 1161. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk