

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GLENN HUTCHINSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79539-COA

FILED

MAY 15 2020

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

ORDER OF AFFIRMANCE

Glenn Hutchinson appeals from a judgment of conviction entered pursuant to a no contest plea of two counts of conspiracy to commit fraudulent use of a credit card. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

First, Hutchinson argues the district court erred when it denied his motion to substitute counsel. By entering a no contest plea, Hutchinson waived any challenge to the district court's denial of his motion, which occurred prior to the entry of the plea. *See Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). Additionally, there is no indication in the record that Hutchinson expressly reserved this issue for review on appeal. *See* NRS 174.035(3). Therefore, we decline to consider this claim.

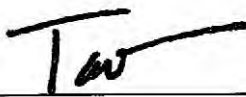
Second, Hutchinson argues the district court abused its discretion at sentencing by ordering him to complete a specialty court program as a condition of his probation. District courts have wide discretion in fashioning appropriate conditions of probation. *Creps v. State*, 94 Nev. 351, 360-61, 581 P.2d 842, 848-49 (1978). We will not interfere 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).

After listening to the arguments of the parties at the sentencing hearing, the district court stated its conclusions that Hutchinson needed help, he would be able to obtain that help on probation, and that a condition of his probation would be completion of a specialty court program. The conditions of Hutchinson's probation were within the district court's discretion, *see* NRS 176A.400(1), and Hutchinson does not demonstrate the district court based its decision upon impalpable or highly suspect evidence. Therefore, Hutchinson does not demonstrate the district court abused its discretion when imposing sentence, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
David Kalo Neidert
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk