

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20070722-CA
v.	)	
	)	F I L E D
Cindy Williams,	)	(June 26, 2008)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2008 UT App 244</span>

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Third District, West Jordan Department, 061402468  
The Honorable Terry L. Christiansen

Attorneys: Debra M. Nelson and Stephen W. Howard, Salt Lake  
City, for Appellant  
Mark L. Shurtleff and Jeanne B. Inouye, Salt Lake  
City, for Appellee

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Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

Cindy Williams appeals from her sentences after pleading guilty to forgery, illegal possession of a controlled substance, and providing false personal information to an officer. Williams argues that the district court abused its discretion in sentencing her to prison in lieu of probation.

We review the sentencing decision of the district court, including the decision to grant or deny probation, for abuse of discretion. See State v. Valdovinos, 2003 UT App 432, ¶ 14, 82 P.3d 1167. "An abuse of discretion results when the judge fails to consider all legally relevant factors, or if the sentence imposed is clearly excessive." Id. (internal quotation marks omitted). Furthermore, "[a]n appellate court may only find abuse if it can be said that no reasonable [person] would take the view adopted by the trial court." Id. (alteration in original) (internal quotation marks omitted). Finally, a "defendant is not entitled to probation, but rather the court is empowered to place the defendant on probation if it thinks that will best serve the ends of justice and is compatible with the public interest." State v. Rhodes, 818 P.2d 1048, 1051 (Utah Ct. App. 1991).

Williams argues that the district court abused its discretion by failing to "adequately consider Ms. Williams's character, personality, and attitude before denying her the opportunity at probation." However, the record demonstrates that the district court considered all relevant factors prior to imposing its sentence. The district court sought and reviewed a presentence investigation report, which, due to numerous factors including an extensive criminal history and the use of numerous aliases, recommended that Williams be sentenced to prison for the statutorily prescribed time period. The district court also considered Williams's arguments at sentencing as to why she believed that probation was an appropriate sentence. Specifically, Williams detailed, among other things, that she had stopped using drugs shortly after her arrest, she had obtained full-time employment, and she had even sought intensive outpatient drug treatment on her own initiative. After hearing Williams's argument, the district court determined that the recommendation of Adult Probation and Parole in the presentence investigation report was the appropriate sentence. Ultimately, the district court considered all information Williams presented to the court; it simply did not agree with her assessment that probation was an adequate sentence. Based upon the totality of evidence presented to the district court, the district court acted within its discretion in sentencing Williams to prison in lieu of probation.

Affirmed.

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Pamela T. Greenwood,  
Presiding Judge

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William A. Thorne Jr.,  
Associate Presiding Judge

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Gregory K. Orme, Judge