

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAYTON RICHMOND KEEBAUGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42920

FILED

SEP 27 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Reed*  
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court revoking appellant's probation. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge. Appellant was originally convicted, pursuant to a guilty plea, of one count of burglary. The district court sentenced appellant to a prison term of 40 to 120 months, and suspended the sentence, placing appellant on probation for a period not to exceed 5 years.

At the probation revocation hearing, appellant admitted that he had used cocaine. Appellant argued, however, that the only reason he used cocaine was because he had stopped taking his Prozac. Appellant now contends that the district court abused its discretion in revoking his probation.


This court has held that in order to revoke probation, the district court must be reasonably satisfied by the evidence and facts "that the conduct of the probationer has not been as good as required by the conditions of probation."<sup>1</sup> In this case, appellant admitted that: (1) he had used cocaine while on probation; (2) that he had been driving 97 mph in a 65 mph zone; and (3) he had failed to carry insurance on his automobile.

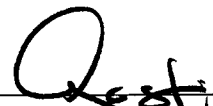
<sup>1</sup>Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974).

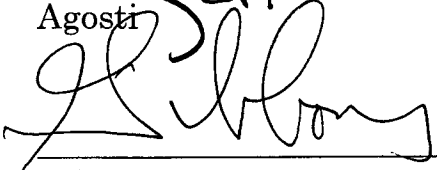
Moreover, appellant had previously violated his probation and been reinstated.

Based on the foregoing, we conclude that the district court did not err in finding that appellant's conduct was not as good as that required by the conditions of probation. We therefore conclude that the district court did not abuse its discretion and appellant's contention is without merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

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

cc: Hon. David R. Gamble, District Judge  
Nathan Tod Young  
Attorney General Brian Sandoval/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.