

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRETT HORROCKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54308

FILED

JAN 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court revoking appellant Brett Horrocks' probation. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge.

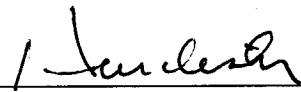
Horrocks contends that the district court abused its discretion by imposing a sentence that is excessive given the nature of his offenses, age, and background. This contention is not appropriately raised in this appeal from an order revoking probation and therefore will not be addressed. See Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) ("claims that are appropriate for direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings"), overruled on other grounds by Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999).

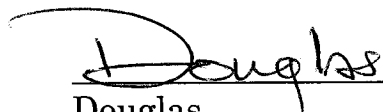
Horrocks further contends that the district court abused its discretion by revoking his probation and imposing the original sentence after "he made essentially three technical errors in complying with his terms of his probation." The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse. Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

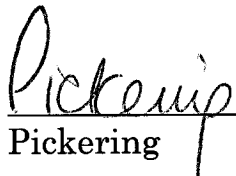
Horrocks admitted that he violated conditions of his probation by failing to successfully complete a sexual offender counseling program, register his change of address, and pay his supervision fees. Based on these admissions, we conclude that the district court could reasonably find that Horrocks' conduct was not as good as required by the conditions of probation, see id., and therefore Horrocks has not demonstrated that the district court abused its discretion by revoking his probation. We further conclude that Horrocks has not demonstrated that the district court abused its discretion by declining to reinstate his probation or impose a reduced sentence pursuant to NRS 176A.630.

Having considered Horrocks' contentions and concluded that he is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

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