

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 34973

DALE WALTER WARD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

APR 12 2000

W. M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court revoking appellant's probation.

In August 1996, the district court convicted appellant, pursuant to a guilty plea, of possession of a controlled substance (methamphetamine). Appellant spent nine months at "boot camp" and was subsequently released and placed on probation in January 1997. In August 1999, the district court again convicted appellant of possession of a controlled substance (methamphetamine). At the September 14, 1999 sentencing hearing for the 1999 conviction, the district court revoked appellant's probation on the 1996 conviction, imposed the underlying prison sentence, and sentenced appellant to consecutive prison time on the 1999 conviction.

Appellant contends the district court abused its discretion by denying his request to be sentenced to a drug treatment program in lieu of serving out the remainder of his sentence in prison. We disagree.


NRS 176A.630 grants the district court broad discretion in determining the appropriate treatment of a probationer who violated his probation. The district court may continue or revoke the probation, order residential confinement, order the probationer to undergo a program

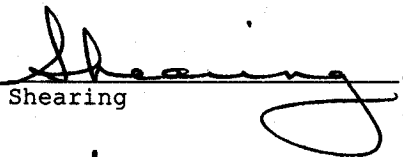
pursuant to NRS 176A.780, cause the sentence to be executed, or modify the original sentence. Absent a showing of abuse of discretion, the district court's decision to revoke appellant's probation will not be reversed. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974).

After review of the record, we conclude appellant fails to demonstrate that the district court abused its discretion. Appellant has numerous felony and misdemeanor convictions dating back to 1978. The district court properly considered appellant's criminal record in making its decision. See NRS 176A.660(1). Therefore, we conclude the district court did not abuse its discretion.

Having concluded appellant's contention is without merit, we

ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Connie J. Steinheimer, District Judge  
Attorney General  
Washoe County District Attorney  
Robert Bruce Lindsay  
Washoe County Clerk