

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE KENDALL LENARCIC,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35121

**FILED**

JUN 13 2000

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

ORDER DISMISSING APPEAL

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

Appellant contends that the district court abused its discretion by revoking appellant's probation rather than granting appellant a dishonorable discharge after appellant violated a condition of probation. We disagree.

Revocation of probation is within the district court's discretion and the district court's determination will not be disturbed absent an abuse of discretion. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). "Evidence beyond a reasonable doubt is not required to support a court's discretionary order revoking probation. The evidence and facts must reasonably satisfy the judge that the conduct of the probationer has not been as good as required by the conditions of probation." Id.

Appellant was arrested for and pleaded guilty to driving under the influence during the course of his probationary term. This constituted a violation of the terms of appellant's probation. Although the district court could have granted a dishonorable discharge, we conclude that appellant has failed to demonstrate that the district court abused its discretion by instead revoking appellant's

probation and imposing the underlying prison term. We  
therefore

ORDER this appeal dismissed.

Maupin J.  
Maupin

Shearing J.  
Shearing

Becker J.  
Becker

cc: Hon. Connie J. Steinheimer, District Judge  
Attorney General  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe County Clerk