

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVEY GENE VONJONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56710

FILED

JAN 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Davey Gene Vonjones' probation. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Vonjones contends that the district court abused its discretion by revoking his probation because (1) he "was in substantial compliance" and (2) the court believed that "the fact of a violation" required revocation. We disagree. The district court's decision to revoke probation will not be disturbed absent an abuse of discretion. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). Here, the terms of Vonjones' probation required that he "comply with the conditions as recommended by the Sierra Regional Center." See NRS 176A.400(2) (sentencing court has the authority to "require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court"). The district court conducted a revocation hearing and, after hearing testimony from Vonjones' probation officer and a representative from the Sierra Regional Center, found that his conduct was not as good as required by the conditions of his probation. See Lewis, 90 Nev. at 438, 529 P.2d at 797. Further, Vonjones has failed to demonstrate that the district court did not

understand the discretionary nature of its determination. Therefore, we conclude that the district court did not abuse its discretion by revoking Vonjones' probation and we

ORDER the judgment of the district court AFFIRMED.

Saitta, J.
Saitta

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk