

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN ANTHONY ELSETH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58371

**FILED**

NOV 18 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingersoll  
DEPUTY CLERK

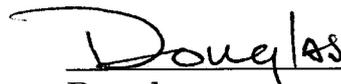
ORDER OF AFFIRMANCE

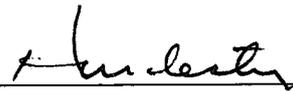
This is an appeal from a district court order revoking appellant Allen Anthony Elseth's probation. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

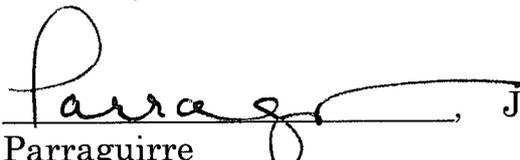
Elseth claims the district court abused its discretion by revoking his probation after defense counsel conceded that he violated its conditions. Elseth, however, offers no persuasive authority to support his contention that the district court must personally canvass him to confirm that he agrees with counsel's representations. The district court found, based on counsel's statement, that Elseth's conduct was not as good as required by the conditions of his probation and on appeal he does not refute counsel's admission. See Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974); McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted). Therefore, we conclude that the district court did not abuse its

discretion by revoking Elseth's probation, see Lewis, 90 Nev. at 438, 529 P.2d at 797, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Robert H. Perry, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk