

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN RAY SOUTHALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60420

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

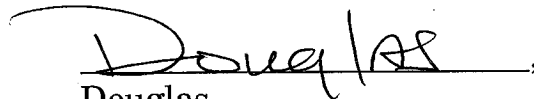
This is an appeal from a district court order revoking appellant Shawn Ray Southall's diversion program and judgment of conviction. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.


Appellant Shawn Ray Southall contends that the district court abused its discretion by revoking his probation after he was terminated from his diversion program by the Sixth Judicial Drug Court. Southall argues that, among other things, he is young, has no criminal history, was cooperative with law enforcement, and almost completed his probationary term; therefore, the district court's decision was improperly based on "bias or preference, rather than reason." We disagree with Southall's contention.

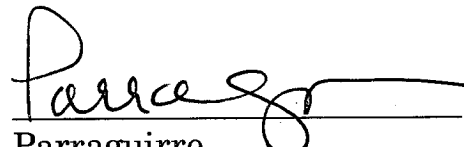
The district court's decision to revoke probation will not be disturbed absent an abuse of discretion. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At the revocation hearing, Southall conceded that he failed to comply with the conditions of his probation and admitted to all of the violations alleged in the report prepared by the Division of Parole and Probation. See generally McNallen v. State, 91 Nev. 592, 540

P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted). As a result, the district court found that Southall's conduct was not as good as required, see Lewis, 90 Nev. at 438, 529 P.2d at 797, revoked his diversion program, and imposed a term of incarceration. We conclude that the district court did not abuse its discretion by revoking Southall's probation, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Chief Judge, Seventh Judicial District Court
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk