

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD THOMAS LAW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60907

FILED

FEB 13 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order for revocation of probation and an amended judgment of conviction. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

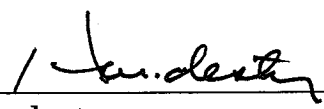
Appellant Edward Law argues that the district court abused its discretion when it revoked his probation because he was largely successful complying with the conditions of his probation and was near completion of its term. We review the district court's decision to revoke probation for an abuse of discretion. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). During the revocation hearing, Law's probation officer testified that Law tested positive for methamphetamine, refused to provide a urine sample on other occasions, missed multiple drug counseling sessions, and did not pay the ordered fees. The district court considered and rejected Law's arguments against revocation, noting that he had been given several chances to comply. Accordingly, we conclude that the district court could reasonably find that Law's conduct was not as good as required by the conditions of his probation and therefore did not abuse its discretion by revoking his probation. See id.

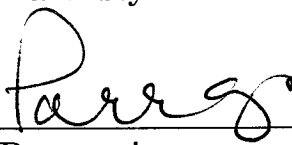
Law also argues that revoking his probation and imposing the original sentence constitutes cruel and unusual punishment. Law failed

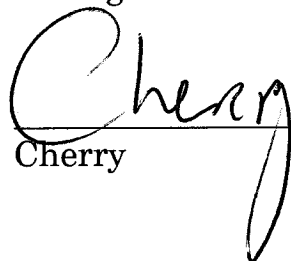
to demonstrate that the imposition of his original sentence was grossly disproportionate to the crime, Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion), or that the statute fixing punishment is unconstitutional, Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). We also note that Law's sentence falls within the statutory limits. See NRS 193.330; NRS 205.220; NRS 205.222. Accordingly, we conclude that the sentence imposed does not constitute cruel and unusual punishment.

Having considered Law's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Elissa F. Cadish, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk