

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL DEZARIO CASTILLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62027

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Anderson
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of sale of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

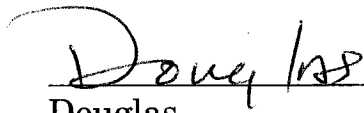
Appellant argues that the district court abused its discretion when it revoked his probation and imposed the suspended sentence after appellant violated the conditions of his probation and was removed from the drug court program.

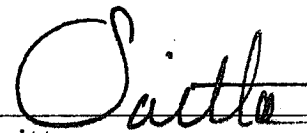
The decision to revoke probation lies within the broad discretionary powers of the district court and will not be disturbed absent a clear showing of abuse of that discretion. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). The district court's finding that appellant's conduct was not as good as it should be is supported by appellant's acknowledgement of his failure to comply with the conditions of his probation and his admission to all eight of the alleged probation violations. *See generally McNallen v. State*, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not

refuted). We conclude that the district court did not abuse its discretion,
and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk