

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA DENTON EMBORSKY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62259

**FILED**

JUL 22 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

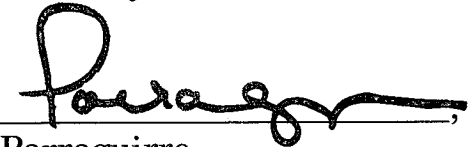
This is an appeal from a district court order revoking appellant Joshua Denton Emborsky's probation. First Judicial District Court, Carson City; James Todd Russell, Judge.

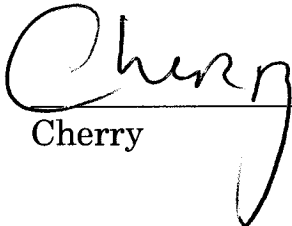
Emborsky contends that the district court erred by failing to make specific factual findings on the record before revoking his probation and abused its discretion by revoking his probation solely because he admitted to the violations. At his revocation proceeding, Emborsky admitted to discharging a firearm while consuming alcohol and having contact with unapproved persons. The district court noted that it considered a letter from Emborsky's wife, as well as the fact that he was intoxicated when he committed the acts in question, and concluded that revocation was warranted based on the dangerousness of the act and because Emborsky should not have been drinking and handling firearms. The written order states that the district court revoked Emborsky's probation based on his admitted violations. *See Gagnon v. Scarpelli*, 411 U.S. 778, 786, (1973). The district court has broad discretion in deciding whether to revoke probation, *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974), and Emborsky failed to demonstrate that it abused its

discretion by revoking his probation here. See NRS 176A.630(1); *McNallen v. State*, 91 Nev. 592, 592-93, 540 P.2d 121, 121 (1975) (revocation of probation affirmed where violation by probationer not refuted). We conclude that the district court did not err or abuse its discretion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk