

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANASTACIO DIAZ, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62292

FILED

SEP 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order revoking appellant Anastacio Diaz, Jr.'s probation and a second amended judgment of conviction. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.¹

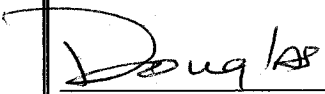
Diaz contends that the district court abused its discretion by revoking his probation because the facts established during the revocation proceeding did not warrant revocation. At the revocation proceeding, the district court heard testimony that Diaz's SCRAM bracelet alerted to the consumption of alcohol in violation of a condition of his probation. The district court rejected Diaz's claim that he unknowingly ingested alcohol when taking cough medication and concluded that revocation was warranted because the instant violation, his first violation, and the underlying crime were all alcohol-related. The district court has broad discretion in deciding to whether to revoke probation, and we conclude that it did not abuse that discretion here where sufficient facts were

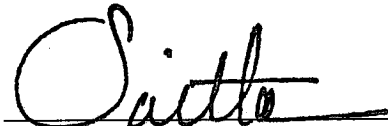
¹The revocation proceeding was presided over by Senior Judge Kathy Hardcastle.

presented to conclude that Diaz's conduct was not as good as required by the conditions of his probation. See NRS 176A.630(1); *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Carolyn Ellsworth, District Judge
Hon. Kathy Hardcastle, Senior Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk