


IN THE SUPREME COURT OF THE STATE OF NEVADA

DARREN EUGENE GARFIELD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63204

**FILED**

NOV 14 2013

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK


*ORDER OF AFFIRMANCE*

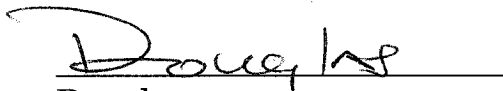
This is an appeal from a district court order revoking appellant Darren Eugene Garfield's probation and imposing sentence. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

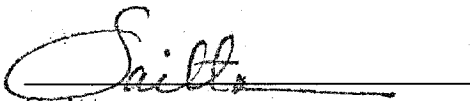
Garfield contends that the district court abused its discretion by disregarding mitigating facts, revoking his probation, and imposing an excessive sentence. Absent an abuse of discretion, this court will not disturb a district court's decision to revoke an appellant's probation, *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974), or the sentence imposed, *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). Here, the district court was presented with evidence that Garfield absconded from the jurisdiction for a significant period of time and failed to comply with the requirements of his probation. Although Garfield expressed that he attempted to comply with his requirements but was unable to because of financial issues, the district court noted that he never made an attempt to inform the Division of Parole and Probation of his issues. Garfield's sentence of one-year imprisonment in the county jail for an attempt to carry a concealed weapon falls within the parameters provided by the relevant statutes, *see* NRS 193.330(2)(b); NRS

202.350(1)(d)(3), and we conclude that he fails to demonstrate that the district court abused its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
Gibbons, J.

  
Douglas, J.

  
Saitta, J.

cc: Hon. Gary Fairman, District Judge  
State Public Defender/Ely  
State Public Defender/Carson City  
Attorney General/Carson City  
White Pine County District Attorney  
White Pine County Clerk

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<sup>1</sup>The fast track statement and response do not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text in the body of the briefs, excluding headings, footnotes, and quotations, is not double-spaced. Further, the fast track response does not comply with NRAP 32(a)(5) because the text in the footnote is not in the same size as the text in the body of the brief. The “Verification” included in the response pursuant to NRAP 3C(h)(3) is deficient because it references the type-volume limitation applicable to an opening brief, *see* NRAP 32(a)(7)(A)(ii), and the page limitation applicable to a fast track statement, *see* NRAP 3C(e)(1)(B) rather than the limitations applicable to a fast track response, *see* NRAP 3C(f)(1)(B). Counsel for both parties are cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. *See* NRAP 3C(n); NRAP 28.2(b).