

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORENZO PERFECTO GARCIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63933

**FILED**

**MAR 12 2014**

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

*ORDER OF AFFIRMANCE*

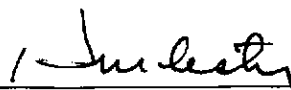
This is an appeal from a district court order revoking probation and amending sentence. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

First, appellant Lorenzo Perfecto Garcia contends that the district court abused its discretion by revoking his probation. We disagree. The district court noted that it had granted Garcia's request for probation, despite his lengthy criminal history, because he "had some big plans, and [had] been sober for a while," but he "blew it" by failing to comply with the conditions of his probation; therefore, the district court revoked Garcia's probation. Garcia admitted to violating the conditions regarding reporting, residence directives and conduct, employment, and financial obligations. We conclude that the district court did not abuse its discretion by finding that Garcia's conduct was not as good as required and that revocation was warranted under the circumstances. *See* NRS 176A.630(1); *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974) (reviewing a district court's decision whether to revoke probation for an abuse of discretion); *see generally McNallen v. State*, 91 Nev. 592, 592-93, 540 P.2d 121, 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

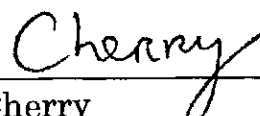
Second, Garcia contends that the district court's imposition of consecutive terms of 364 days in the county jail constitutes cruel and unusual punishment. We disagree. Garcia pleaded guilty to attempted bribery and threatening a public officer based upon his actions of offering a police officer money to release his girlfriend from custody and threatening the officer with harm if he did not comply. The sentence falls within statutory parameters, 1981 Nev. Stat., ch. 350, § 2, at 652; 1997 Nev. Stat., ch. 314, § 2, at 1178; NRS 197.020; NRS 199.300(3)(b), and we do not conclude that it is so unreasonably disproportionate to the gravity of the offense and Garcia's criminal history as to shock the conscience. See *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979); see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion).

Having considered Garcia's contentions and concluded that they lack merit, we

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

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

  
\_\_\_\_\_, J.  
Douglas

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

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<sup>1</sup>The fast track response does not comply with NRAP 32(a)(5) because the footnotes are not the same size as the body of the text. We caution counsel that future failure to comply with the Nevada Rules of Appellate Procedure when filing briefs with this court may result in the imposition of sanctions. See NRAP 3C(n).

cc: Hon. Nancy L. Porter, District Judge  
Elko County Public Defender  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk