

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL NEIL METCALF,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66742

FILED

MAR 11 2015

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

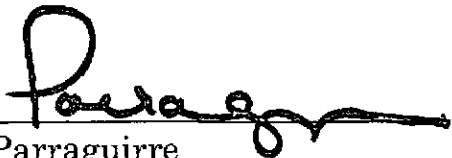
ORDER OF AFFIRMANCE

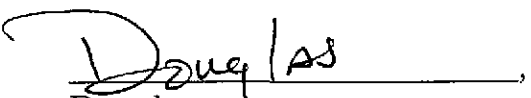
This is an appeal from a district court order revoking appellant Mitchell Neil Metcalf's probation. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

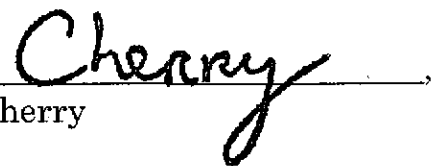
Metcalf contends that the district court abused its discretion by revoking his probation because (1) he is an alcoholic, (2) his codefendant received boot camp, (3) the district court failed to consider alternatives to revocation, and (4) the district court held him to a higher standard than other probationers. *See Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974) (reviewing a district court's decision to revoke probation for an abuse of discretion). We reject each assertion. At sentencing, the district court told Metcalf that it was giving him probation rather than ordering him to attend boot camp because, unlike his codefendant, he was fully employed and was capable of being a functional member of society. Thereafter, Metcalf admitted that he failed to pay his necessary fees, abused alcohol, and committed another crime. Thus, the district court revoked his probation and imposed the underlying sentence. Metcalf fails to demonstrate that the district court abused its discretion. *See id.* ("The evidence and facts must reasonably satisfy the judge that

the conduct of the probationer has not been as good as required by the conditions of probation.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Parraguirre J.


Douglas J.


Cherry J.

cc: Hon. David A. Hardy, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk