

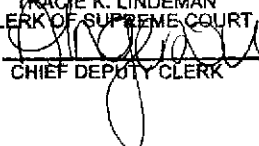
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEX VINCENT KOPYSTENSKI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67823

**FILED**

**FEB 17 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order revoking probation and an amended judgment of conviction. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.


Appellant Alex Vincent Kopystenski argues the district court abused its discretion by revoking his probation. Kopystenski asserts the evidence presented at the revocation hearing did not establish he violated his probation terms because two allegations regarding his use of violence did not result in convictions, the marijuana discovered at his residence belonged to his mother, and he did not test positive for any illegal substances.

We review the district court's decision to revoke probation for abuse of discretion. *See Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At the revocation hearing, the State presented evidence that Kopystenski had involvement in facilitating prostitution, he possessed or controlled marijuana and medication for which he did not have a prescription, and he associated with a person who had previously been convicted of a felony—all violations of Kopystenski's probationary terms. Moreover, the State presented evidence that Kopystenski had been

arrested for battery constituting domestic violence, and he had agreed to pay restitution to the victim in exchange for the dismissal of the charge. In addition, a woman had also accused Kopystenski of hitting her and threatening her with a firearm, but Kopystenski had not yet been charged with any crimes stemming from that incident. After presentation of this evidence, the district court concluded the evidence presented at the revocation hearing demonstrated Kopystenski's conduct was not as good as required by the conditions of his probation. *See id.* Based upon the record before this court, we conclude the district court did not abuse its discretion by revoking Kopystenski's probation. Accordingly, we

ORDER the order revoking probation and amended judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Christopher R. Oram  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk