

**FILED**

FEB 12 2002

JANETTE A. BLOOM  
CLERK OF SUPREME COURT  
*[Signature]*  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY PORTER,  
Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

No. 38903

TIMOTHY PORTER,  
Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

No. 38904

TIMOTHY PORTER,  
Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

No. 38913

ORDER OF AFFIRMANCE

These are appeals from orders of the district court revoking appellant Timothy Porter's probation in three separate cases; the cases were consolidated for disposition on appeal.

Porter was convicted, pursuant to guilty pleas, of one felony count each of using and/or being under the influence of a controlled substance, possession of a controlled substance for the purpose of sale, and

possession of a credit card without consent. The district court sentenced Porter to serve consecutive prison terms of 12-48 months, 12-34 months, and 12-34 months; Porter was ordered to pay restitution in the amount of \$695.34. In each case, the district court suspended the sentence and placed Porter on probation for an indeterminate period of time not to exceed three years; the district court ordered the probationary periods to run concurrently.

Porter contends that the district court abused its discretion by revoking probation in all three cases. More specifically, Porter argues that the district court refused to consider the actual facts of the matter and therefore failed to exercise discretion. We disagree.

The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse.<sup>1</sup> Evidence supporting a decision to revoke probation must merely be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.<sup>2</sup>

In this case, Porter is unable to demonstrate that the district court abused its discretion. Porter conceded that he violated the terms of

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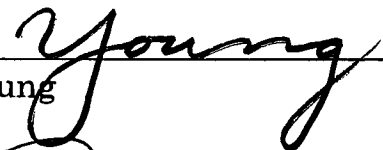
<sup>1</sup>Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

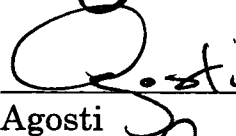
<sup>2</sup>Id.

his probation by using narcotics and testing positive for controlled substances. Therefore, we conclude that the district court acted within its discretion by revoking Porter's probation.<sup>3</sup>

Having considered Porter's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

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<sup>3</sup>See generally McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

cc: Hon. Brent T. Adams, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe County Public Defender  
Washoe District Court Clerk