

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY ALAN ROWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40496

FILED

SEP 24 2003

ORDER OF AFFIRMANCE

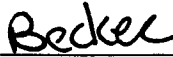
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court revoking appellant's probation. Appellant was originally convicted, pursuant to a guilty plea, of one count of burglary and one count of larceny. The district court sentenced appellant to serve a prison term of 12 to 32 months for each count, and further ordered the terms to run consecutively. The district court suspended the sentence and placed appellant on probation for a period not to exceed 5 years.

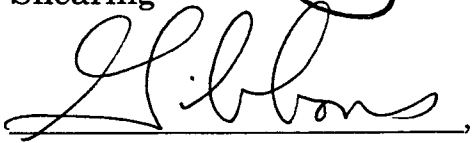
Appellant's sole contention on appeal is that the district court abused its discretion in revoking his probation. Specifically, appellant argues that, although he was originally sentenced to two terms of imprisonment, he was only given one term of probation. He therefore argues that upon revocation, he can only be ordered to serve one of the underlying terms. Appellant cites no authority for this specific proposition, and this court is aware of none. Moreover, NRS 176A.630(4) specifically provides that if the district court finds that a probationer has violated the terms of his probation, the district court may "[c]ause the sentence imposed to be executed." We conclude that the district court's decision to cause the original sentences to be executed is authorized by statute, and was not an abuse of discretion.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Andrew J. Puccinelli, District Judge
Elko County Public Defender
Attorney General Brian Sandoval/Carson City
Elko County District Attorney
Elko County Clerk