

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL ELLIS SHEPPARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42671

FILED

SEP 21 2004

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. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. Appellant was originally convicted, pursuant to a guilty plea, of one count of grand larceny. The district court sentenced appellant to a prison term of 12 to 36 months, and suspended the sentence, placing appellant on probation for an indeterminate period not to exceed 3 years.


Appellant contends that the district court abused its discretion in revoking appellant's probation. Specifically, appellant argues that one violation should not be sufficient to revoke probation.


This court has held that in order to revoke probation, the district court must be reasonably satisfied by the evidence and facts "that the conduct of the probationer has not been as good as required by the conditions of probation."¹ In this case, appellant admitted that he was drunk when he arrived at the Division of Parole and Probation to meet with his probation officer. One of the conditions of appellant's probation was that he "abstain from the use, possession and control of any alcoholic beverages during his term of probation." We conclude that the district


¹Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974).

court did not abuse its discretion and appellant's contention is without merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk