

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN ANTHONY ELSETH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58371

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Allen Anthony Elseth's probation. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

Elseth claims the district court abused its discretion by revoking his probation after defense counsel conceded that he violated its conditions. Elseth, however, offers no persuasive authority to support his contention that the district court must personally canvass him to confirm that he agrees with counsel's representations. The district court found, based on counsel's statement, that Elseth's conduct was not as good as required by the conditions of his probation and on appeal he does not refute counsel's admission. See Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974); McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted). Therefore, we conclude that the district court did not abuse its

discretion by revoking Elseth's probation, see Lewis, 90 Nev. at 438, 529 P.2d at 797, and we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Robert H. Perry, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk