

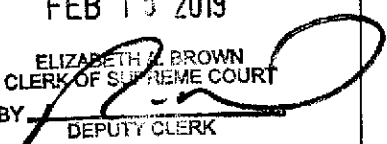
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID JAMES TEAGUE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75500-COA

**FILED**

FEB 15 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

David James Teague appeals from an order of the district court revoking probation and an amended judgment of conviction. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Teague contends the district court erred by revoking his probation after failing to consider his request for drug court and instead relying on paperwork to reject him. 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. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). 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. *Id.*


Teague's underlying facts are belied by the record. Teague had previously been rejected from drug court because he would not admit that he had a substance abuse problem. At his probation revocation hearing, Teague admitted to having a problem and asked for a second chance to get accepted into drug court. At a status check on his application, Teague again indicated that he did not have a substance abuse problem. Based on this,

19-07197

the district court determined that Teague's attempts to get into drug court would be futile. Moreover, Teague stipulated that he violated the terms of his probation. We therefore conclude Teague failed to demonstrate the district court abused its discretion by revoking his probation. Accordingly, we

ORDER the order for revocation of probation and amended judgment of conviction AFFIRMED.

  
\_\_\_\_\_, A.C.J.  
Douglas

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

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

cc: Hon. Carolyn Ellsworth, District Judge  
Law Office of Benjamin Nadig, Chtd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk