

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20050900-CA	
v.)		
)	F I L E D	
David Mervin Pyne,)	(January 26, 2006)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2006 UT App 23</td></tr></table>	2006 UT App 23
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Third District, West Jordan Department, 041100020
The Honorable Pat B. Brian

Attorneys: Josie E. Brumfield, Salt Lake City, for Appellant
Mark L. Shurtleff and Matthew D. Bates, Salt Lake
City, for Appellee

Before Judges Greenwood, McHugh, and Orme.

PER CURIAM:

David Mervin Pyne appeals the district court's order revoking his probation. This case is before the court on a sua sponte motion for summary disposition for failure to raise a substantial question. We affirm.

Pyne contends that the district court abused its discretion in revoking his probation. However,

A determination to revoke probation is within the discretion of the trial court. We will reverse only if the evidence, when viewed in a light most favorable to the court's decision, is so deficient that it must be concluded the trial court abused its discretion. Furthermore, the court's underlying factual findings supporting its conclusion that defendant violated probation will not be disturbed unless they are clearly erroneous.

State v. Ruesga, 851 P.2d 1229, 1231 (Utah Ct. App. 1993)
(citations omitted).

Pyne admitted that he violated at least two specific conditions of his probation, including failure to "enter into, participate in or complete a program, counseling or treatment as directed," and by "having associated with a known criminal in a manner which resulted in, or could reasonably be expected to result in, criminal activity." Under the circumstances, the district court did not abuse its discretion in revoking Pyne's probation.

Accordingly, we affirm.

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge