

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONNIE YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43573

FILED

DEC 01 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; Steven R. Kosach, Judge. Appellant was originally convicted, pursuant to a guilty plea, of one count of burglary. The district court sentenced appellant to a prison term of 12 to 30 months, and suspended the sentence, placing appellant on probation for a period not to exceed 24 months. The judgment of conviction was entered on August 27, 2003. On May 26, 2004, the Division of Parole and Probation notified the district court of appellant's non-compliance and sought revocation.

At the probation revocation hearing, evidence was presented that appellant had failed to report and that he had suffered a misdemeanor conviction in California for possession of marijuana. Appellant now contends that the district court abused its discretion in revoking his probation.

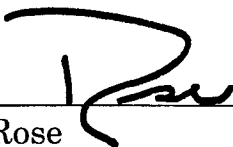
This court has held that in order to revoke probation, the district court must be reasonably satisfied by the evidence and facts "that the conduct of the probationer has not been as good as required by the conditions of probation."¹ In this case, the evidence showed that appellant

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

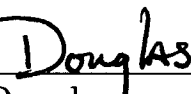
had violated various conditions of his probation, including that he report monthly, that he not possess controlled substances, and that he comply with all laws and ordinances.

Based on the foregoing, we conclude that the district court did not err in finding that appellant's conduct was not as good as that required by the conditions of probation. We therefore conclude that the district 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. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk