

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRISTAN ROSS DANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43672

FILED

JAN 07 2005

ORDER OF AFFIRMANCE

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a district court order revoking appellant's probation. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On December 8, 2003, appellant Tristan Ross Dana was convicted, pursuant to a guilty plea, of one count of forgery. The district court sentenced Dana to serve a prison term of 12 to 32 months and then suspended execution of the sentence, placing him on probation for a time period not to exceed 2 years. Dana did not file a direct appeal.

On May 7, 2004, the Division of Parole and Probation filed a probation violation report against Dana, alleging that he violated his probation by failing to perform community service, failing to pay supervision fees, and being arrested for additional criminal charges. Thereafter, the district court conducted a probation revocation hearing. At the hearing, the State presented witness testimony from Dana's probation officer and the police officer who had arrested Dana on the new theft charge. Dana also testified at the hearing, denying the violations

alleged. After hearing arguments from counsel, the district court entered an order revoking probation. Dana filed this timely appeal.

Dana contends that the district abused its discretion in revoking his probation because there was insufficient evidence presented that he violated the conditions of his probation. Specifically, Dana contends that the State failed to: (1) present any evidence that Dana committed the theft crime for which he was arrested; (2) adequately rebut his claim that his former probation officer waived the community service requirement; and (3) show that Dana had not paid his supervision fees in full. We conclude that Dana's contention lacks merit.

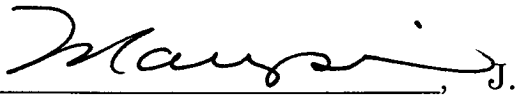
The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse.¹ Evidence supporting a decision to revoke probation must merely be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.² In this case, the district court acted within its discretion in revoking probation because the testimony at the revocation hearing was sufficient to reasonably satisfy the district court that Dana violated the conditions of his probation.


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

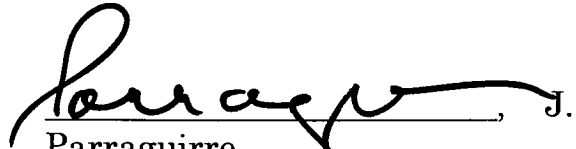
²Id.

Having considered Dana's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


Maupin


Douglas


Parraguirre

cc: Hon. Donald M. Mosley, District Judge
J. Chip Siegel, Chtd.
Wolfson & Glass
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk