

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFERY ALLEN WADE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44557

FILED

JUN 01 2005

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 Jeffery Allen Wade's probation. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

On February 18, 2004, Wade was convicted, pursuant to a guilty plea, of one count of possession of a controlled substance. The district court sentenced Wade to a prison term of 12-34 months, suspended execution of the sentence, and placed him on probation for an indeterminate period not to exceed 2 years.

On August 11, 2004, after two probation violation reports, the district court conducted a hearing on the State's first motion to revoke Wade's probation. The district court reinstated Wade's term of probation with additional conditions, including house arrest. On November 15, 2004, the State filed another probation violation report and recommended revoking Wade's probation. The district court conducted a hearing on the State's second motion to revoke Wade's probation, and on December 17, 2004, entered an order revoking his probation. This timely appeal followed.

Wade contends that the district court abused its discretion in revoking his term of probation. More specifically, Wade argues that the district court “stepped over the line” by stating that his term of probation was being revoked because “he’s a pain in the ass.” Wade claims that “[a]t a minimum he should have been discharged from probation (either honorably or not).” We disagree with Wade’s contention.

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 the instant case, Wade is unable to demonstrate that the district court abused its discretion in revoking his probation. At the probation revocation hearing, the district court heard arguments from both parties and a representative of the Division of Parole and Probation. The district court was informed about the numerous violations of the terms of probation committed by Wade, including issues related to his employment, or lack thereof, that were not refuted, and his difficulty adhering to the rules of his house arrest. Accordingly, we conclude that Wade’s conduct was not as good as required by the conditions of his probation, and that the district court acted within its discretion when it revoked his probation.


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

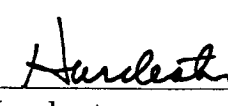
²Id.

Having considered Wade's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

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