

IN THE SUPREME COURT OF THE STATE OF NEVADA

BERNARD ARTHUR SIMMONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47230

FILED

JUL 27 2006

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 probation. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Bernard Arthur Simmons was convicted, pursuant to a guilty plea, of one count of felony possession of controlled substance.¹ The district court sentenced Simmons to serve a prison term of 14 to 36 months. It further ordered the sentence to be suspended and placed Simmons on probation for a period not to exceed 36 months. Simmons did not file a direct appeal.

Simmons contends that district court abused its discretion by revoking his probation. 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.² Evidence supporting a decision to revoke probation must merely be sufficient to reasonably satisfy the district court

¹See NRS 453.336(2)(a).


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


that the conduct of the probationer was not as good as required by the conditions of probation.³

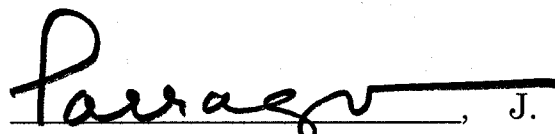
Simmons absconded shortly after being placed on probation. The district court conducted a hearing, reinstated Simmons' probation, and cautioned him not to violate his probation again. Nonetheless, a month later, Simmons violated the terms of his probation by using controlled substances and possessing drug paraphernalia. We conclude that the district did not err in finding that Simmons' conduct was not as good as required by the conditions of his probation.

Having considered Simmons' contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

³Id.