

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLOTTE CASSANDER GRIGGS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47987

FILED

JAN 09 2007

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 Charlotte Cassander Griggs' probation. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On January 31, 2002, Griggs was convicted, pursuant to a guilty plea, of one count of drawing and passing a check without sufficient funds in drawee bank with intent to defraud. The district court sentenced Griggs to a prison term of 12-32 months, suspended execution of the sentence, and placed her on probation for an indeterminate period not to exceed 5 years. Griggs did not pursue a direct appeal from the judgment of conviction and sentence. On July 31, 2006, after conducting a hearing, the district court entered an order revoking Griggs' probation and imposing the original sentence with credit for time served.

Griggs contends that the district court abused its discretion in revoking her probation. At the probation revocation hearing, Griggs stipulated to several violations of the conditions of her probation and argued for reinstatement.

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

Griggs is unable to demonstrate that the district court abused its discretion in revoking her probation. As noted above, Griggs admitted to violating the conditions of her probation, and her violations included additional arrests in California for grand theft auto and burglary/petty theft. Accordingly, we conclude that Griggs' conduct was not as good as required by the conditions of her probation and the district court did not err in rejecting her request for reinstatement.³

Griggs also contends that the original sentencing court in 2002 abused its discretion by imposing a sentence disproportionate to the crime constituting cruel and unusual punishment. We conclude that this issue is not appropriately raised, and thus, will not be addressed. This court has repeatedly stated that "claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in

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

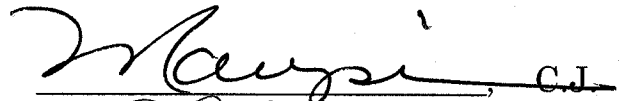
²Id.

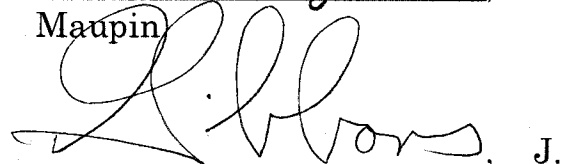
³See generally McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

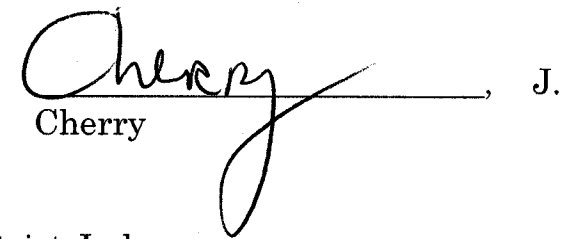
subsequent proceedings.”⁴ Accordingly, we conclude that Griggs waived her right to raise this issue by failing to pursue the matter in a direct appeal.

Having considered Griggs’ contentions and concluded that they are either without merit or waived, we

ORDER the judgment of the district court AFFIRMED.


Maupin C.J.


Gibbons J.


Cherry J.

cc: Hon. Michelle Leavitt, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), overruled on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).