

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNEST JUAN RAMOS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49169

**FILED**

JAN 23 2008

TRAVIS K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On August 31, 2004, appellant Ernest Juan Ramos was convicted, pursuant to a guilty plea, of one count of battery with substantial bodily harm. The district court sentenced Ramos to a prison term of 12 to 36 months, but then suspended execution of the sentence and placed him on probation for a time period not to exceed 3 years. Ramos did not file a direct appeal.

On February 22, 2007, the State filed a notice of intent to seek revocation of probation. At the probation revocation hearing, Ramos stipulated to violating the conditions of probation. After hearing arguments from counsel, the district court revoked Ramos' grant of probation and ordered him to serve the original sentence imposed. Ramos filed this timely appeal.

Ramos contends that the district abused its discretion in revoking his probation. Ramos concedes in his appellate brief that "he



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was in technical violation of [the] terms [of his probation]." Nonetheless, he argues that the district court erred in revoking his probation because he substantially complied with the majority of the conditions of probation. Additionally, Ramos contends that the district court erred in failing to consider other options to revocation, as provided for in NRS 176A.630.<sup>1</sup> We conclude that Ramos' 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.<sup>2</sup> 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.<sup>3</sup> In this case, at the probation revocation hearing, Ramos stipulated to several of the violations alleged by the State. In particular, Ramos failed to complete community service, did not have full-time employment, and missed an appointment with his probation officer. Ramos has failed to demonstrate that the district court erred in determining that revocation of his probation was appropriate. Accordingly, we conclude that the district court acted within its broad discretion in revoking probation.

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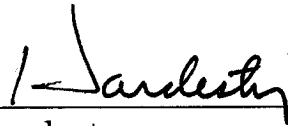
<sup>1</sup>NRS 176A.630 authorizes the district court to continue the grant of probation, or order a term of residential confinement or a program of regimental discipline in lieu of revoking probation.

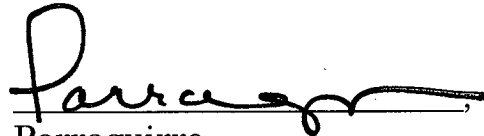
<sup>2</sup>Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

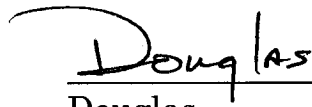
<sup>3</sup>Id.

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

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Donald M. Mosley, District Judge  
Steven M. Altig  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk