

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRECIOUS K. CORLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49370

**FILED**

SEP 25 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *A. Alvarado*  
DEPUTY CLERK

This is an appeal from a district court order revoking appellant Precious K. Corley's probation. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

On January 3, 2007, Corley was convicted, pursuant to a guilty plea, of one count of level-three trafficking in a controlled substance. The district court sentenced Corley to a prison term of 10-25 years, suspended execution of the sentence, and placed her on probation for an indeterminate period not to exceed three years. Corley did not pursue a direct appeal from the judgment of conviction. On April 3, 2007, after conducting a hearing, the district court entered an order revoking Corley's probation and imposing the original sentence with credit for time served. This timely appeal followed.

Corley contends that the district court abused its discretion in revoking her probation. Corley notes that her behavior "during the nine (9) months between the time of her plea and her sentencing hearing did not raise any issues," and argues that the district court acted arbitrarily and capriciously in revoking her probation without explaining its decision. We disagree with Corley'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.<sup>1</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>2</sup>

Corley is unable to demonstrate that the district court abused its discretion in revoking her probation. At the revocation hearing, Officer Dawn Avilla from the Division of Parole and Probation testified that Corley tested presumptively positive for the use of marijuana soon after beginning her probationary term and subsequently admitted to using marijuana, stating that “she had been using it weekly during her pregnancy to eliminate any nausea symptoms she has.” Therefore, we conclude that the district court did not abuse its discretion by finding that Corley’s conduct was not as good as required by the conditions of her

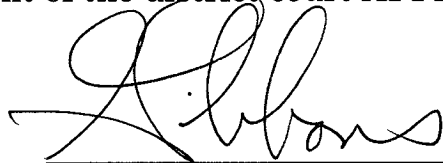
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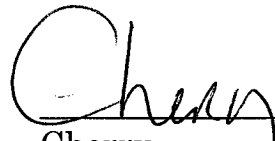
<sup>1</sup>Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).


<sup>2</sup>Id.

probation.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Steven R. Kosach, District Judge  
Washoe County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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