

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA ELIZABETH RAMOS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49442

**FILED**

OCT 16 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On December 8, 2004, Ramos was convicted, pursuant to a guilty plea, of one count of grand larceny auto. The district court sentenced Ramos to a prison term of 24-60 months, ordered her to pay \$18,760.00 in restitution jointly and severally with her codefendant, suspended execution of the sentence, and placed her on probation for an indeterminate period not to exceed three years. Ramos did not pursue a direct appeal from the judgment of conviction.

On December 19, 2005, and again on July 13, 2006, the State filed notices of intent to seek revocation of Ramos' probation. On each occasion, the district court conducted a hearing in which Ramos admitted to violating the terms of her probation, and reinstated probation. On March 16, 2007, the State filed its third notice of intent to seek revocation of Ramos' probation. The district court conducted a hearing, and on April 19, 2007, entered an order revoking Ramos' probation and imposing the original sentence with credit for time served. This timely appeal followed.

Ramos contends that the district court abused its discretion in revoking her probation. Specifically, Ramos claims that (1) the district court failed to consider economic hardship as a reason for her non-payment of restitution; (2) her pregnancy and child care issues contributed to her inability to meet with her probation officer; (3) her probation officer should have testified at the hearing to provide the court “with a complete picture of her performance on probation;” and (4) “the record is silent” with regard to the admission of the violation report prepared by the Division of Parole and Probation. We conclude that Ramos is not entitled to relief.

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>

Ramos is unable to demonstrate that the district court abused its discretion in revoking her probation. At the revocation hearing, Ramos admitted to violating the terms of her probation by (1) failing to report to her probation officer, (2) pleading guilty to a new charge of unlawful possession of a firearm, and (3) testing positive for the use of marijuana. Therefore, we conclude that the district court did not abuse its discretion


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

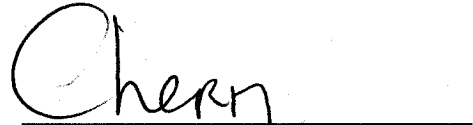
<sup>2</sup>Id.

by finding that Ramos' conduct was not as good as required by the conditions of her probation.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.

Gibbons

 J.

Cherry

 J.

Saitta

cc: Hon. Donald M. Mosley, District Judge  
Andrew S. Fritz  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth 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).