

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEE ROSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49547

FILED

SEP 06 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *JMB*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Lee Ross' probation. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On March 30, 2007, Ross was convicted, pursuant to a guilty plea, of one count of attempted possession of a controlled substance with the intent to sell. The district court sentenced Ross to a jail term of one year, suspended execution of the sentence, and placed him on probation for an indeterminate period not to exceed three years. Ross did not pursue a direct appeal from the judgment of conviction. On May 18, 2007, after conducting a hearing, the district court entered an amended judgment of conviction and order revoking Ross' probation and imposing the original sentence with credit for time served. This timely appeal followed.

Ross contends that the district court abused its discretion in revoking his probation. Ross claims that his right to confront the witnesses against him was violated and resulted in the district court

revoking his probation based on impermissible hearsay related to an alleged misdemeanor arrest occurring during his probationary period. We disagree with Ross' 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.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

Ross is unable to demonstrate that the district court abused its discretion in revoking his probation. The district court expressly disclaimed any reliance on Ross' subsequent arrest in deciding to revoke his probation. Instead, the district court clearly stated that it was basing its decision on the probation officer's testimony that Ross failed to report to him in person as required by the terms of his probation. Therefore, we conclude that Ross' conduct was not as good as required by the conditions

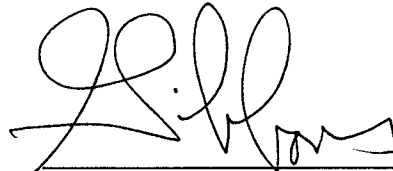
¹Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

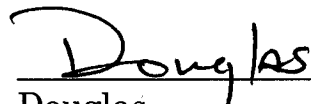
²Id.

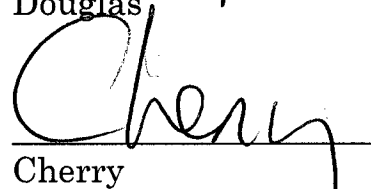
of his probation, and that the district court did not abuse its discretion in revoking his probation.³

Having considered Ross' contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

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

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