

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAJOR HOWARD SANFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50345

FILED

MAR 27 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Major Howard Sanford's probation. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Sanford was convicted, pursuant to a guilty plea, of one count of assault with a deadly weapon. The district court sentenced Sanford to a prison term of 24-60 months, suspended execution of the sentence, and placed him on probation for an indeterminate period not to exceed 3 years. Sanford did not pursue a direct appeal from the judgment of conviction.

On August 1, 2007, a probation agreement and order was filed in the district court admitting Sanford to probation. On September 10, 2007, the State filed a notice of intent to seek revocation of Sanford's probation. The district court conducted a hearing, and on October 5, 2007, entered an order revoking Sanford's probation and modifying his prison term to 19-48 months. This timely appeal followed.

Sanford contends that the district court abused its discretion by revoking his probation. Specifically, Sanford argues that his term of

probation should have been reinstated because “he had not had a chance to adequately start probation, had not received counseling or assistance yet, and was becoming more stabilized in his life.” We disagree with Sanford’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.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

Sanford is unable to demonstrate that the district court abused its discretion by revoking his probation. Sanford admitted to violating the terms of his probation by not reporting as required and using marijuana. On appeal, Sanford concedes that he was behind in paying his fines and fees, and that he had a “new arrest” for misdemeanor possession of marijuana. Therefore, we conclude that the district court did not abuse its discretion by finding that Sanford’s conduct was not as good as required by the conditions of his probation³

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

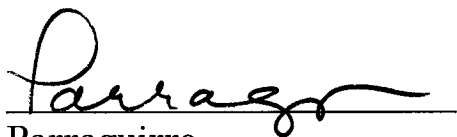
²Id.

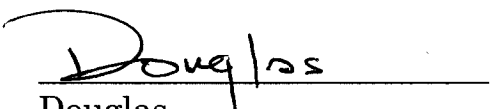
³See generally McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Elizabeth Goff Gonzalez, 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