

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH BLAKE, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50955

**FILED**

SEP 25 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's probation. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Kenneth Blake, Jr., was convicted, pursuant to a guilty plea, of burglary (count I), larceny from the person not amounting to robbery (count II), and willfully endangering a child as the result of child abuse and/or neglect (count III). The district court sentenced Blake to two consecutive prison terms of 12-30 months for counts I and II and to a consecutive jail term of 12 months for count III; he was ordered to pay \$1,485.50 in restitution. The district court suspended execution of the sentence and placed Blake on probation for an indeterminate period not to exceed 36 months. Blake did not pursue a direct appeal from the judgment of conviction and sentence.

On October 2, 2007, the Division of Parole and Probation filed a violation report recommending that Blake's probation be revoked. The district court conducted two hearings and, on December 19, 2007, entered an order revoking Blake's probation and imposing the original sentence with credit for time served. This timely appeal followed.

Blake contends that the district court abused its discretion by revoking his probation. Specifically, Blake claims that his right to due process was violated by the district court's determination because there was insufficient evidence presented by the State. We disagree.

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>

Blake is unable to demonstrate that the district court abused its discretion by revoking his probation. The district court was informed that Blake had recently been arrested for domestic violence, although the charge was dismissed when the victim failed to appear and testify against him in the municipal court. At the revocation hearing, several witnesses involved in the domestic violence case testified, including the victim, the emergency dispatcher who received the victim's 911 telephone call, and the arresting officer. A recording of the victim's 911 call was played during the hearing. The district court found the arresting officer's testimony credible and determined that Blake violated the conditions of his probation by imbibing alcohol and committing a new offense. 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).

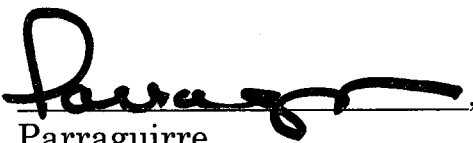
<sup>2</sup>Id.

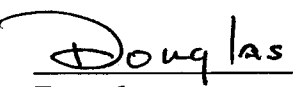
by finding that Blake's conduct was not as good as required by the conditions of his probation

Having considered Blake'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. Brent T. Adams, District Judge  
Washoe County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk