

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS LEE MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53944

FILED

DEC 03 2009

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 Douglas Lee Miller's probation. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

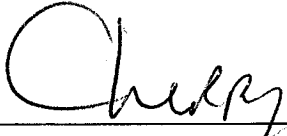
Miller first argues that the district court erred in admitting hearsay testimony. Because Miller failed to object to the testimony on this ground below, we review for plain error. See NRS 178.602; Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003). We conclude that Miller has not demonstrated plain error warranting reversal of the district court's order. See Anaya v. State, 96 Nev. 119, 123, 125, 606 P.2d 156, 158, 160 (1980) (explaining the due process balancing standard that governs admissibility of evidence at a probation revocation hearing).

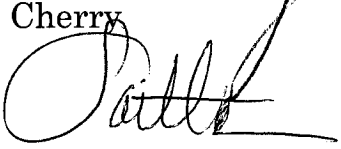
Miller next argues that the evidence was insufficient to support the district court's decision. Having considered the parties' arguments and reviewed the record, we disagree. The evidence presented was sufficient to "reasonably satisfy the judge" that Miller's conduct had "not been as good as required by the conditions of probation" and therefore Miller has not made a clear showing of an abuse of discretion in the


district court's decision to revoke his probation. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974).

Having considered Miller's claims and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Dan L. Papez, District Judge
State Public Defender/Carson City
State Public Defender/Ely
Attorney General Catherine Cortez Masto/Carson City
White Pine County District Attorney
White Pine County Clerk