

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOHN RENAUD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56405

FILED

FEB 09 2011

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 Michael John Renaud's probation. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

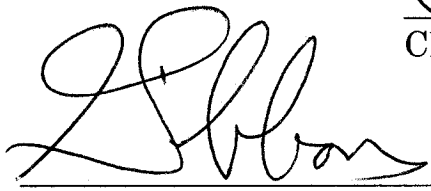
Renaud contends that the district court (1) abused its discretion by revoking his probation without "verified facts" and (2) violated his right to due process by denying him the opportunity to confront an adversarial witness. We disagree.

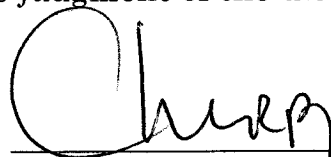
The district court's decision to revoke probation will not be disturbed absent an abuse of discretion. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). First, the terms of Renaud's probation required that he "[e]nter and complete an In-Patient Drug Treatment Program." See NRS 176A.400(2) (sentencing court has the authority to "require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court"). At the revocation hearing, Renaud's probation officer testified that he had been discharged from the Salvation Army in-patient program prior to its completion. Renaud also conceded that he had been discharged from the program. The district court therefore found that Renaud's conduct was not as good as required by the

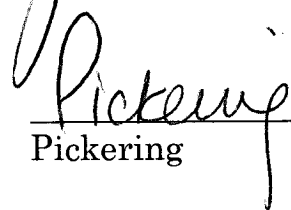
conditions of his probation. See Lewis, 90 Nev. at 438, 529 P.2d at 797. We agree and conclude that the district court did not abuse its discretion by revoking Renaud's probation.

Second, the State sought revocation of Renaud's probation because he was discharged from the treatment program and not because of the underlying conduct leading to his discharge. No details regarding Renaud's conduct and discharge were presented by the State at the revocation hearing. Therefore, we conclude that Renaud's due process right to confrontation was not violated because a representative from the treatment program was not present at the revocation hearing. See Anaya v. State, 96 Nev. 119, 123, 606 P.2d 156, 158 (1980). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Pickering

cc: Hon. Stefany Miley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk