

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE W. MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57033

FILED

JUN 08 2011

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

ORDER OF AFFIRMANCE

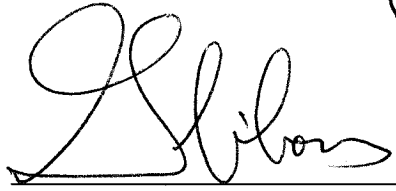
This is an appeal from an order for revocation of probation and second amended judgment of conviction. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

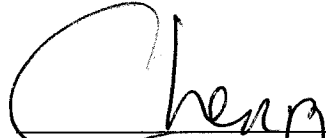
Appellant George Miller contends that the district court abused its discretion at sentencing and his sentence of 24 to 120 months in prison constitutes cruel and unusual punishment because he had no criminal history, the loss was "financial in nature only," and he presented a repayment plan and signed a confession of judgment for the amount owed.


Miller's claim is not properly raised in this appeal. The order for revocation of probation and second amended judgment of conviction merely reinstated the sentence that the district court imposed in its original judgment of conviction, and Miller did not challenge his sentence in a direct appeal from the original judgment of conviction. We have repeatedly stated that "claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings." See Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), overruled on other grounds by Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999).

To the extent Miller challenges the district court's decision to revoke his probation, we conclude that this contention lacks merit. 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. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). The evidence presented during the probation revocation hearing was sufficient to demonstrate that Miller's conduct was not as good as required by the conditions of his probation. See id. (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). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Gibbons, J.


Cherry, J.


Pickering, J.

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk