

IN THE SUPREME COURT OF THE STATE OF NEVADA

ISMAEL GUILLERMO HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57593

FILED

JUL 15 2011

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

ORDER OF AFFIRMANCE

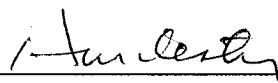
This is an appeal from an order of the district court revoking appellant Ismael Guillermo Hernandez's probation. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

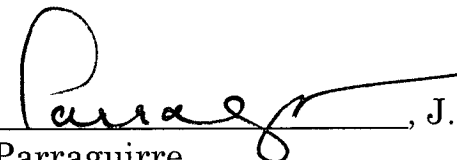
Hernandez contends that the district court failed to provide adequate notice of what conduct was proscribed by the terms of his probation, abused its discretion by basing its revocation decision on his possession of a "legal substance" and exercise of his First Amendment right to wear a Los Angeles Dodgers baseball hat, and lacked sufficient evidence and information to justify revoking his probation. 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). 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. Id. The record on appeal reveals that Hernandez was informed of the conditions of his probation and violated them by testing positive for marijuana, using a store-bought

product marked "not for human consumption" to get intoxicated, failing to maintain employment, failing to pay supervisory fees, violating the conditions of his house arrest, and disregarding his probation officer's instructions to get rid of baseball hats that are associated with the gang lifestyle because of their color schemes. Based on this record, we conclude that the district court could reasonably find that Hernandez's conduct was not as good as required by the conditions of probation, see id., and therefore he has not demonstrated that the district court abused its discretion by revoking his probation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

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