

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN L. LEVI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57828

**FILED**

SEP 14 2011

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

ORDER AFFIRMING AND REMANDING

This is an appeal from a district court order revoking appellant John L. Levi's probation. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

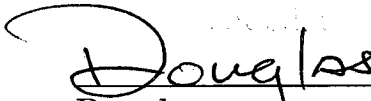
Levi contends that the district court abused its discretion by revoking his probation. Levi claims that he did not fail to report to his probation officer or provide a valid address and that his revocation was improperly based, in part, on hearsay included in his presentence investigation report. We 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). At the revocation hearing, Levi's probation officer testified that he violated the conditions of his probation by not providing him with a valid phone number where he was residing and by not updating his address after he moved. The probation officer also testified that Levi was in possession of a weapon, a claw hammer, when he reported to his office for his initial orientation. Levi claimed to be in possession of the hammer because he was looking for work as a carpenter; however, the probation officer stated he was concerned because, according to the PSI, Levi on a previous occasion allegedly threatened his ex-

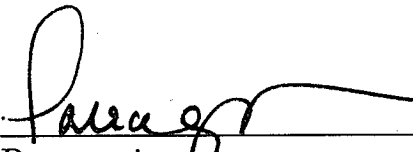
girlfriend with a hammer. The district court found that Levi's conduct was not as good as required by the conditions of his probation. See id.; see also Anaya v. State, 96 Nev. 119, 123-24, 606 P.2d 156, 158-59 (1980) (hearsay is not prohibited in probation revocation hearings). We agree and conclude that the district court did not abuse its discretion by revoking Levi's probation.

Finally, we note that the amended judgment of conviction erroneously states that Levi pleaded to committing battery constituting domestic violence when, in fact, he pleaded guilty to attempted battery constituting domestic violence. Therefore, we remand to the district court for the entry of a corrected amended judgment of conviction following the issuance of the remittitur. See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (the district court does not regain jurisdiction following an appeal until the supreme court issues its remittitur). Accordingly, we

ORDER the judgment of the district court AFFIRMED and REMAND to correct the amended judgment of conviction.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Sandra L. Stewart  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk