

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS ANTONIO GOMEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57860

FILED

SEP 14 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 Carlos Antonio Gomez's probation. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Gomez contends that the district court abused its discretion by revoking his probation because he failed a polygraph examination. 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). The terms of Gomez's probation required that he complete a counseling program for sex offenders. See NRS 176A.410(1)(e); see also NRS 176A.410(1)(g); Mangarella v. State, 117 Nev. 130, 134-36, 17 P.3d 989, 992-93 (2001) (requiring probationer to submit to polygraphs does not violate privilege against self-incrimination). At the revocation hearing, Gomez's probation officer testified that he was terminated from the mandated program prior to its completion after he twice failed a sexual history polygraph test "because without his cooperation . . . and honesty, openness, treatment is of no benefit to him." The district court also heard from Gomez and a social worker assigned to the victim and her family before finding that Gomez'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 Gomez's probation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge
Robert M. Draskovich, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk