

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER VERKER A/K/A
CHRISTOPHER ANTHONY VERKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60096

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking probation and amending the judgment of conviction. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Christopher Verker contends that the district court abused its discretion by revoking his probation because the State failed to present sufficient evidence that he possessed a stolen handgun and neglectfully or willfully failed to pay restitution. Verker further contends that the district court erred by admitting a police report containing hearsay statements into evidence. 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). Our review of the record on appeal reveals that the district court heard testimony from which it could reasonably infer that Verker's conduct was not as good as required by the conditions of his probation, see id., and it did not consider the hearsay statements contained in the police report in reaching its decision to revoke Verker's probation, see generally Anaya v. State, 96 Nev. 119, 123-24, 606 P.2d 156, 158-59 (1980) (discussing the admissibility of hearsay in probation

revocation hearings). Accordingly, we conclude that Verker has not demonstrated that the district court abused its discretion by revoking his probation and entering an amended judgment of conviction, and we

ORDER the judgment of the district court AFFIRMED.¹

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
The Pariente Law Firm, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of our decision, we deny Verker's motion for bail as moot.