

IN THE SUPREME COURT OF THE STATE OF NEVADA

MALCOLM RENE SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60252

**FILED**

OCT 08 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 for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

Appellant Malcolm Rene Smith contends that the district court abused its discretion by revoking his probation because the State did not establish that he violated a condition of 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). The district court heard testimony from which it could reasonably infer that Smith's conduct was not as good as required by the conditions of his probation. See id. And to the extent Smith contends that the district court revoked his probation

based on a violation that was not alleged in the violation report, this contention is belied by the record. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Saitta, J.  
Saitta

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Chief Judge, Eighth Judicial District Court  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk