

IN THE SUPREME COURT OF THE STATE OF NEVADA

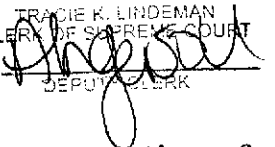
CEASAR VALENCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62385

FILED

DEC 17 2013

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is an appeal from a district court order for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Appellant Ceasar Valencia contends that the district court erred by revoking his probation for violating a condition of probation that was not included with the other written conditions. The decision to revoke probation is within the district court's broad discretion 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 be merely 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.*

During his sentencing hearing, the district court informed Valencia twice that, as a condition of probation, he was to suffer no new arrests. Valencia indicated he understood this directive. As Valencia notes, however, the judgment of conviction, which recited the conditions of probation, stated that he was to "[o]btain no new convictions" and did not reference arrests. When Valencia pointed out this discrepancy during the revocation hearing, the district court indicated that, regardless of what the

written order said, the court had directed that Valencia suffer no new arrests. Under these circumstances, we conclude that the judgment of conviction contained a clerical error; the district court impliedly corrected this clerical error when it reiterated that the directive was for Valencia to suffer no new arrests. See NRS 176.565 (district court may correct a clerical error at any time). Further, because Valencia admitted that he had been arrested, his conduct was not as good as required by the condition of his probation. Therefore, the district court did not abuse its discretion by revoking Valencia's probation,¹ and we

ORDER the judgment of the district court AFFIRMED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this conclusion, we need not address Valencia's contention that he was denied due process in connection with another alleged probation violation.