

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAURSUS LANITA BAUGH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64032

FILED

MAY 12 2014

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

ORDER OF AFFIRMANCE

This is an appeal from an order for revocation of probation and second amended judgment of conviction. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Appellant Taurus Lanita Baugh contends that the district court erred by revoking her probation. Baugh claims that the district court violated her right to due process by basing its revocation decision “upon an uni[n]formed witness, multiple layers of hearsay, and exhibits that purported to be proof of facts that are not supported by the record.” *See generally Anaya v. State*, 96 Nev. 119, 122-24, 606 P.2d 156, 157-59 (1980). We disagree with Baugh’s contention.¹

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). Here, the terms of Baugh’s probation required in part that she “[e]nter and successfully complete the District Court Drug Court program which Defendant is already in,” and “[a]bide by any curfew

¹Baugh pleaded guilty to child abuse and neglect and was sentenced to a suspended prison term of 57-144 months with a probationary period not to exceed 5 years.

imposed by probation officer.” After the State first sought revocation, the district court continued Baugh’s probation, entered an amended judgment of conviction, and noted that “if Defendant is terminated by Drug Court, her Probation will be revoked and prison time will be imposed.” Approximately five weeks later, Baugh was terminated from the drug court program. At the subsequent revocation hearing, the district court reiterated that Baugh’s “prior reinstatement was conditioned on [her] not being terminated from Drug Court,” and while it acknowledged that the State also submitted a report listing other violations, the district court emphasized that “the reason we’re here today is ’cause she was terminated from Drug Court.” As a result, the district court found that Baugh’s conduct was not as good as required and revoked her probation. *See id.* Additionally, Baugh conceded at the hearing that she violated the terms of her probation by not complying with the curfew provision. *See generally McNallen v. State*, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted). The record does not demonstrate that the district court based its revocation decision on any improper evidence, and we conclude that the district court did not abuse its discretion by revoking Baugh’s probation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hua Ferguson Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk