

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANE JOAQUIN MORALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65463

FILED

SEP 19 2014

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 appellant Shane Joaquin Morales's probation. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Morales contends that the district court abused its discretion by revoking his probation. Morales claims that the district court did not consider the multiple options available beyond revocation and that given the options available, the district court's decision to revoke was arbitrary and capricious. We disagree.

The decision to revoke probation is within the district court's broad discretion and will not be disturbed absent a clear showing of abuse. *See Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974); *see also Crawford v. State*, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005) ("An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." (internal quotations omitted)). 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. *Lewis*, 90 Nev. at 438, 529 P.2d at 797. Here, Morales admitted that he violated the terms of his probation when he associated with prohibited

persons without prior approval, used drugs, failed to pay supervision fees, and was convicted of a subsequent felony. The evidence shows that Morales's conduct was not as good as required by the conditions of probation, and we conclude the district court did not abuse its discretion by revoking his probation rather than taking an alternative action. See NRS 176A.630 (identifying actions the court may take upon determining probationer violated a term of probation). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Elliott A. Sattler, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk