

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD ANTHONY MAYALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67326

FILED

JUL 14 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking probation. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Initially, the district court ordered appellant Richard Anthony Mayall to participate in the veteran's court program after he pleaded guilty to burglary. Later, the court rescinded Mayall's deferred status and sentenced him to a prison term of 48 to 120 months, suspended the sentence, and granted probation. Thereafter, the court revoked Mayall's probation and imposed the original sentence based upon a violation report and the results of a probation revocation hearing.

Mayall claims the district court abused its discretion by revoking his probation because he substantially complied with the conditions of his probation and was not abusing drugs or alcohol. Mayall asserts the court failed to consider the statutory alternatives to revoking

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his probation. And Mayall argues the court's decision to revoke his probation was based upon a previous promise to remove him from the community if he was unsuccessful at 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). Evidence supporting a decision to revoke probation must merely be 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.*


The record reveals Mayall was required to serve at least six months of residential confinement at the Vitality Veterans House as a condition of his probation. The Vitality Veterans care coordinator informed Mayall there was a curfew and he was required to occupy his assigned bed every night. When Mayall failed to comply with these basic rules, they were explained to him again by Veterans Administration employees. And when Mayall's nightly absences from the residence continued, he was discharged from the Vitality Veterans program.


The record plainly belies Mayall's claims that the district court failed to consider other responses to his probation violations and revoked his probation based upon a previous promise. The court determined Mayall's probation failures were grounded in his attitude and he was not susceptible to supervision. The record demonstrates Mayall's

conduct was not as good as required by the conditions of his probation, and we conclude the court did not abuse its discretion by revoking probation.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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