

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRELL S. PATTERSON A/K/A TERRELL  
SHANTE PATTERSON,

No. 36289

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

OCT 02 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court revoking appellant's probation.<sup>1</sup> Appellant was originally convicted, pursuant to a guilty plea, of one count of possession of a controlled substance with the intent to sell. The district court sentenced appellant to a prison term of 12-48 months, and suspended the sentence, placing appellant on probation for an indeterminate period not to exceed three years.

Appellant contends that the district court abused its discretion in revoking appellant's probation. Specifically, appellant argues that the district court did not take into account appellant's "custody status and its effect on his ability to complete the programs."

This court has held that in order to revoke probation, the district court must be reasonably satisfied by the evidence and facts "that the conduct of the probationer has not been as good as required by the conditions of

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<sup>1</sup>The district court's order is entitled "Amended Judgment of Conviction (Revocation of Probation)." The order does not, however, amend the judgment of conviction, it merely revokes appellant's probation. To the extent that appellant argues that his sentence constitutes cruel and unusual punishment, such argument is not appropriately raised in an appeal from an order revoking probation.

probation." Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). In this case, there was evidence that there were new charges pending against appellant, and that appellant had been terminated from Drug Court. We conclude that the district court did not abuse its discretion and appellant's contention is without merit. Accordingly, the order of the district court is affirmed.

It is so ORDERED.

Young J.  
Young

Maupin J.  
Maupin

Becker J.  
Becker

cc: Hon. Jeffrey D. Sobel, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk