

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAROLD CHRISTOPHER FOSTER, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72608

FILED

JUN 15 2017

ELIZABETH A. DOWNS  
CLERK OF THE SUPREME COURT  
BY *Amelia*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking probation. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant argues that the district court abused its discretion by revoking his probation where he had been on probation for less than a month and other options were available.<sup>1</sup> We disagree. The district court has broad discretion in deciding whether to revoke a defendant's probation, and we therefore will not disturb its decision absent a clear showing of abuse. *Lewis*, 90 Nev. at 438, 529 P.2d at 797. Here, there is no clear showing of an abuse of discretion—that the district court failed to exercise its discretion or that its decision exceeds the bounds of reason or rests on an error of law or fact. *Jackson v. State*, 117 Nev. 116, 120, 17


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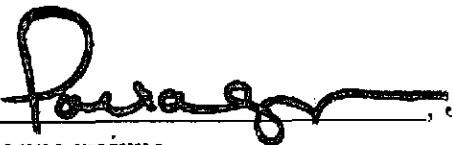
<sup>1</sup>Appellant does not appear to challenge the sufficiency of the evidence establishing the probation violations. Regardless, it appears that the evidence and facts were sufficient to “reasonably satisfy the judge” that appellant’s conduct was not “as good as required by the conditions of probation,” which is all that is required. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974).

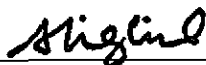
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P.3d 998, 1000 (2001) (“An abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.”); *State v. Hambright*, 388 P.3d 613, 619 (Kan. Ct. App. 2017) (“A judicial action constitutes an abuse of discretion if the action is (1) arbitrary, fanciful, or unreasonable; (2) based on an error of law; or (3) based on an error of fact.”); *State v. Montiel*, 122 P.3d 571, 575 (Utah 2005) (“A failure to exercise discretion is generally encompassed within the meaning of abuse of discretion.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Second Judicial District Court, Department 1  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk