

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALAN THOMAS ROGERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71299

**FILED**

JUL 12 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Alan Thomas Rogers appeals from a district court order revoking probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

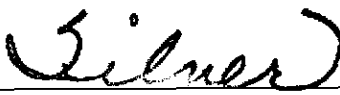
Rogers claims the district court abused its discretion at the revocation hearing by revoking his probation and not placing him in a drug treatment program. The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse. *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.*

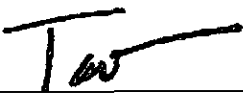
The district court found Rogers violated the conditions of his probation by failing to participate in substance abuse counseling, failing to pay restitution, failing to submit a full and complete financial disclosure form, failing to maintain employment of 35 hours or more per week or complete 20 hours of community service per week, and testing positive for methamphetamine and heroin. The district court also concluded these violations, especially his failure to participate in substance abuse

counseling and his failure to seek help paying for counseling, made Rogers not a good candidate for a drug treatment program. Based on these findings, the district court revoked Rogers' probation and caused the previously imposed sentence to be executed.

We conclude the evidence presented was sufficient to satisfy the district court Rogers' conduct was not as good as required by the conditions of his probation and the district court did not abuse its discretion by revoking Rogers' probation or by determining he was not a good candidate for a drug treatment program. Accordingly, we

ORDER the order revoking probation and amended judgment of conviction AFFIRMED.

, C.J.  
Silver

, J.  
Tao

, J.  
Gibbons

cc: Hon. Susan Johnson, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk