

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDI HARGRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72442

FILED

MAY 15 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandi Hargro appeals from a district court order revoking probation and a second amended judgment of conviction. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

In 2014, Hargro pleaded guilty to child abuse, neglect, or endangerment. The district court sentenced her to a prison term of 12 to 36 months, suspended her sentence, and placed her on probation for an indeterminate period not to exceed three years. In 2016, Hargro violated her probation and stipulated to the violation during her probation revocation hearing. The district court reinstated her probation with the conditions that she serve 15 days in the Clark County Detention Center and complete a domestic violence counseling program. In 2017, Hargro again violated her probation and stipulated to the drug use violation during her probation revocation hearing. The district court revoked her probation and modified her sentence to a prison term of 12 to 30 months.

Hargro claims the district court violated her right to due process by failing to provide a reason for revoking her probation and basing its revocation decision on insufficient evidence. 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,


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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.* “[A] probationer is entitled to . . . a written statement by the factfinder as to the evidence relied on and the reasons for revoking probation.” *Black v. Romano*, 471 U.S. 606, 612 (1985). However, transcribed oral findings will ordinarily satisfy this requirement, so long as the oral findings make the basis of the revocation and the evidence relied upon sufficiently clear. *United States v. Sesma-Hernandez*, 253 F.3d 403, 405-06 (9th Cir. 2001).

Here, the probation revocation hearing transcript plainly demonstrates the district court’s reasons for revoking Hargro’s probation included her stipulation to the drug use violation, her failure to complete the court-ordered counseling it imposed as a condition of her probation reinstatement, and the fact she continued to violate the terms and conditions of her probation even after her probation had been reinstated. We conclude the basis for the district court’s revocation decision is sufficiently clear from this transcript and the district court did not abuse its discretion by concluding Hargro’s conduct was not as good as required by the conditions of her probation. Accordingly, we

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


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk