

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS HYRUM MCCLERKIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71852

FILED

JUN 14 2017

ELIZABETH A. FROWN  
CLERK OF THE COURT  
BY *Amelia*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marcus Hyrum McClerkin appeals from a district court order revoking probation. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

McClerkin claims the district court abused its discretion by revoking his probation because the court's decision was improperly based on his decision not to exercise his right to allocution. We disagree.

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.*

McClerkin admitted to the probation violations at the revocation hearing. Under these circumstances, he failed to demonstrate the district court's decision to revoke his probation was based on his decision to not exercise his right to allocution. We conclude the district

court did not abuse its discretion by revoking McClerkin's probation, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk