

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIE RODRIGUEZ, JR.,

No. 37765

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JUL 31 2001

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant's probation.

On March 6, 2001, appellant was convicted, pursuant to a guilty plea, of possession of a controlled substance, second offense. The district court sentenced appellant to serve 18 to 48 months in prison, suspended execution of the sentence, and placed appellant on probation for a period not to exceed five years. One of the special conditions of appellant's probation was that appellant complete an inpatient, drug treatment program as approved by the Division of Parole and Probation.

However, appellant never completed the inpatient program and, in fact, checked out of the program after only one day of treatment. Thereafter, appellant failed to contact the Division of Parole and Probation, and his whereabouts were unknown until appellant was stopped by a police officer for a traffic violation approximately five days later. After a brief hearing where counsel for appellant argued that the district court should consider reasonable alternatives to revocation, including another chance at drug treatment, the district court revoked appellant's probation.

Appellant argues that the district court abused its discretion in revoking his probation because appellant is a

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drug addict who needs substance abuse counseling instead of prison. We conclude that this contention lacks merit.

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.¹ 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.²

In the instant case, we conclude that the district court did not abuse its discretion in revoking appellant's probation. Appellant's conduct was not as good as required by the special conditions of his probation because he failed to complete drug treatment and keep in contact with the Division of Parole and Probation. Accordingly, it was well within the discretion of the district court to revoke appellant's probation.

Having considered appellant's contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.

Young J.
Young
Leavitt J.
Leavitt
Becker J.
Becker

cc: Hon. Michael R. Griffin, District Judge
Attorney General
Carson City District Attorney
State Public Defender
Carson City Clerk

¹Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

²Id.