

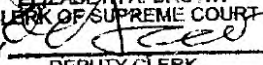
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB MILES A/K/A JACOB WILLIAM
DONAVAN MILES,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87939-COA

FILED

JUL 15 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jacob Miles appeals from an order for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

Miles argues the district court abused its discretion in revoking his probation because the court placed undue emphasis on Miles' misdemeanor conviction for domestic assault and did not consider the mitigation evidence that was presented. 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).

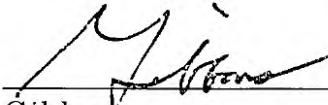
At the probation revocation hearing, Miles stipulated to two probation violations: absconding and being arrested for multiple offenses, including domestic assault.¹ The State represented that Miles ultimately

¹To the extent Miles categorizes his violations as nontechnical violations, the distinction between technical and nontechnical violations only came about when the Legislature amended NRS 176A.630 in 2019. The statutory amendments had an effective date of July 1, 2020. See 2019 Nev. Stat., ch. 633, § 35, at 4401-03; § 137, at 4488. Because the Legislature


pleaded guilty to the misdemeanor domestic assault charge, and Miles' counsel acknowledged Miles had been sentenced for the offense. After the State and Miles' counsel made argument and Miles elected to speak about his actions, the district court noted the painful circumstances Miles had faced and the fact he stayed out of trouble for a long time. Ultimately, the district court concluded revocation was appropriate given that Miles did not continue to remain out of trouble and had committed a violent offense. Based on the record before us, including Miles' stipulation to multiple probation violations, we conclude that the district court could reasonably find Miles' conduct was not as good as required by the conditions of his probation and, therefore, that the district court did not abuse its discretion by revoking his probation. *See id.*; 1997 Nev. Stat., ch. 654, § 2, at 3237 (formerly NRS 176.221(1), (4)).

Accordingly, we

ORDER the order for revocation of probation and amended judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

gave no indication that it intended the amendments to apply retroactively, the amendments apply only to probationers who committed their offenses on or after July 1, 2020. Miles committed his offense in 2017.

cc: Hon. Jennifer L. Schwartz, District Judge
Attorney General/Carson City
Clark County District Attorney
Special Public Defender
Eighth District Court Clerk