


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAUL DESHAWN BREWTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87331-COA

FILED
SEP 27 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Paul Deshawn Brewton appeals from an order for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

Brewton argues that the district court abused its discretion in revoking his probation. Revocation of probation is within “the trial court’s broad discretionary power and such an action will not be disturbed in the absence of a clear showing of abuse of that discretion.” *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). An order revoking probation need not be supported by evidence beyond a reasonable doubt. *Id.* Rather, “[t]he evidence and facts must reasonably satisfy the judge that the conduct of the probationer has not been as good as required by the conditions of probation.” *Id.*; see also *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 157 (1980) (“Due process requires, at a minimum, that a revocation be based upon verified facts” (internal quotation marks omitted)). Probation may be revoked without graduated sanctions if the probationer commits a non-technical violation of probation, such as the commission of a new felony or gross misdemeanor. See NRS 176A.510(8)(c)(1)(I); NRS 176A.630(1).

Brewton argues the State failed to provide verified facts that he committed new crimes. Specifically, he claims the State failed to prove that he lived at the residence that was searched or that he had access to, or possession of, the firearms and controlled substances found at the residence.

At the revocation hearing, the district court heard testimony from three probation officers and one police detective. In 2023, about a month prior to the events that resulted in Brewton's probation being revoked, Brewton changed his address to a house located on Green Valley Parkway (Green Valley). Prior to that, his address was at Saffex Rose Avenue (Saffex). Brewton's probation officers received a tip from police officers that Brewton did not actually move from the Saffex address; instead, he was using the Green Valley address as a decoy. His probation officers decided to have Brewton report for a check-in. Probation and police officers were watching both homes when Brewton was contacted by his probation officer. Brewton left from the Saffex address to go to the meeting. When he arrived, Brewton was asked whether he frequented the Saffex address anymore, and Brewton stated he never went there. He admitted he still owned the home but claimed he rented it out.

Brewton's probation officers determined that a search of the Saffex home was warranted. The probation officers entered the home by using a key on Brewton's key chain. There were two people in the home when the officers entered. The officers went into the master bedroom and encountered a locked closet. They were able to open the closet door with another key on Brewton's key chain. The officers observed three firearms in the closet. At that point, they contacted the police and asked for them to obtain a search warrant. A search was conducted. The police officers found the three guns in the closet and a grey bag containing cocaine and crack

cocaine. On a nightstand by the bed in the master bedroom, police officers found another handgun. On the handgun was an identification card belonging to Brewton, and near the handgun was a medicine bottle in Brewton's name with a "no further refills" date of January 2024. The police officers also found numerous pieces of mail addressed to Brewton and legal papers in Brewton's name in the bedroom. Pictures of the mail presented at the hearing showed that all of the mail had postmark dates at least a year old.

While in jail awaiting the revocation hearing, Brewton made four phone calls.¹ In these phone calls, Brewton asked whether the police found his grey bag in the closet. He stated that his "work" was in the bag. He stated, "so that's another charge, and the guns." One of the people Brewton talked to on the phone referred to the home at the Saffex address as Brewton's, told him someone "snitched" on him, and said law enforcement went through Brewton's safe.

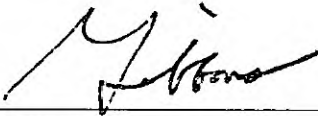
The district court found that, based on the evidence and testimony presented at the evidentiary hearing, it was reasonably satisfied that Brewton committed the offense of possession of a firearm by a prohibited person, a felony under NRS 202.360(1), and a felony offense related to the possession of a controlled substance under NRS 453.321(2), NRS 453.336(2), NRS 453.337(2), or NRS 453.3385(1)(a).² The record


¹Brewton did not provide this court with a copy of the jail phone calls. Thus, we presume the jail phone calls support the decision of the district court. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007); *see also* NRAP 30(b)(3); *Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980).


²Brewton did not provide this court with a copy of the violation report; thus, it is not clear what statute the State alleged Brewton violated.

supports the findings of the district court. Further, Brewton fails to demonstrate that the State was required to show that he resided at the Saffex address in order to establish the above-mentioned violations. While Brewton argues other people conceivably had access to the locked closet, Brewton's comments in the jail phone calls and his key to the locked closet demonstrate verified facts to reasonably satisfy the district court that Brewton had constructive possession of the drugs and firearms. *See Palmer v. State*, 112 Nev. 763, 768, 920 P.2d 112, 115 (1996) (defining constructive possession as knowingly having the power and intention to exercise dominion or control, "either directly or through another person" (quotation marks omitted)); *Maskaly v. State*, 85 Nev. 111, 114, 450 P.2d 790, 792 (1969) (stating that two people may exercise joint possession when they "jointly and knowingly" share "dominion and control" over the item). Thus, we conclude the district court did not abuse its discretion by revoking Brewton's probation, and we

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


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

However, the evidence presented at the hearing supported charges under the statutes listed above. The police detective testified the gross weight of the cocaine was 213 grams and the gross weight of the crack cocaine was 28 grams.

cc: Hon. Monica Trujillo, District Judge
Rosenblum Allen Law Firm
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk