


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MONICA KATHRINE JARVIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87556-COA

**FILED**

OCT 17 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

Monica Kathrine Jarvis appeals from an order revoking her probation. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

In April 2023, Jarvis was convicted, pursuant to a guilty plea, of owning or possessing a firearm by a prohibited person. Her sentence of 24 to 60 months' imprisonment was suspended, and she was placed on probation. In May and June 2023, Jarvis committed technical violations of her probation, and her probation was temporarily revoked for 30 and 90 days, respectively. In August 2023, the Division of Parole and Probation submitted a non-technical violation report alleging that Jarvis was failing to report as required, associating with known felons, and soliciting prostitution. Following a hearing, the district court revoked Jarvis's probation and imposed the suspended sentence.

Jarvis argues the district court abused its discretion in revoking her probation because she only committed technical violations. The State agrees with Jarvis that the district court abused its discretion by revoking Jarvis's probation because the only violation alleged to be a non-technical violation—soliciting prostitution—was a misdemeanor offense, *see* NRS

201.353(2), and did not constitute a non-technical violation, see NRS 176A.510(8)(c). Because Jarvis did not commit a non-technical violation, the State concedes the district court was only authorized to temporarily revoke Jarvis's probation and impose a term of imprisonment of not more than 180 days, see NRS 176A.630(2)(c)(3).

The decision to revoke 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). As relevant to Jarvis' case, "[i]f the court finds that the probationer committed one or more technical violations of the conditions of probation," NRS 176A.630(2)(c) authorizes a third temporary revocation of up to 180 days. The district court may only revoke a defendant's probation and impose the suspended sentence for a fourth or subsequent revocation. NRS 176A.630(2)(d). Because Jarvis did not commit a non-technical violation, this was Jarvis's third revocation for technical violations, and the district court abused its discretion in revoking her probation and imposing the suspended sentence. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for further proceedings.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge  
Washoe County Alternate Public Defender  
Marc Picker Law  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk