


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RUDY CESARIO RAMIREZ A/K/A  
RUDOLPH CESARIO RAMIREZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88495-COA

**FILED**

FEB 25 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Rudy Cesario Ramirez appeals from a district court order revoking probation. First Judicial District Court, Carson City; Kristin Luis, Judge.

Ramirez argues the district court abused its discretion in revoking probation based on technical and non-technical violations given his past success in drug court and the availability of less severe remediation options including graduated sanctions. Ramirez asserts the district court should have reinstated him to drug court to provide the structure he needed to successfully complete 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, if graduated sanctions have not been exhausted, the evidence must reasonably satisfy

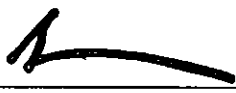
the judge that the defendant committed a non-technical violation of probation, such as the commission of a new felony or gross misdemeanor. See NRS 176A.510(8)(c)(1)(I); NRS 176A.630(1); *Lewis*, 90 Nev. at 438, 529 P.2d at 797; see also *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 157 (1980) (“Due process requires, at a minimum, that a revocation be based upon verified facts . . . .” (internal quotation marks omitted)).

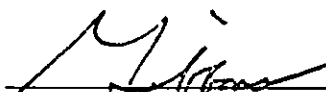
The Division of Parole and Probation alleged that Ramirez failed to report, provided inaccurate addresses to the Division, and used controlled substances. Ramirez was found in the company of a known felon during a traffic stop and arrested. He served eight days in jail. The next month, Ramirez did not report and was arrested during a traffic stop for not having a valid license, registration, or insurance. Ramirez acknowledged these violations on a graduated sanctions form and served ten days in jail. Thereafter, a nontechnical violation report was submitted to the district court stating Ramirez had tested positive for alcohol use, was sought in connection with a Carson City automotive theft, and was charged in Douglas County for battery with a deadly weapon, prohibited person in possession of a firearm, and felon failing to register. Ramirez admitted to the violations described in this report at the revocation hearing.


In light of Ramirez’s acknowledgement that he committed both technical and non-technical violations of his probation, there was sufficient evidence to justify the probation revocation, see *McNallen v. State*, 91 Nev. 592, 592-93, 540 P.2d 121, 121 (1975) (affirming revocation of probation where probationer did not refute violation); see also *Dail v. State*, 96 Nev. 435, 440, 610 P.2d 1193, 1196 (1980) (“[C]onviction is not a precondition to

probation revocation . . .”), and the district court did not abuse its discretion in revoking probation, *see Lewis*, 90 Nev. at 438, 529 P.2d at 797. While the district court may have had the discretion to impose less severe remedies, *see NRS 176A.630(1)*, its decision not to do so did not constitute an abuse of discretion based on these facts. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Kristin Luis, District Judge  
Carson City Public Defender  
Attorney General/Carson City  
Carson City District Attorney  
Garrit Pruyt  
Carson City Clerk