

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VINCENT SALISCH SCAMBRAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90415-COA

FILED

OCT 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Vincent Salisch Scambray appeals from a “judgment of revocation of probation.”¹ First Judicial District Court, Carson City; Kristin Luis, Judge.

First, Scambray argues the district court abused its discretion by revoking his probation and imposing his underlying suspended prison sentence because he was in compliance with the conditions of his probation and the district court failed to consider his mitigating evidence. 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

¹The judgment ordered that Scambray’s probation be revoked and that Scambray serve the underlying suspended prison sentence of 120 to 360 months.

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 in a non-technical probation violation report, *inter alia*, that Scambray violated the terms of his probation by being convicted of a number of new felony offenses. During the revocation hearing, Scambray admitted to these violations. Therefore, we conclude Scambray fails to demonstrate the district court abused its discretion by finding his conduct was not as good as required by the terms of his probation and revoking it. *See Lewis*, 90 Nev. at 438, 529 P.2d at 797 (providing that 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). Further, there is no indication in the record that the district court did not consider Scambray’s mitigation evidence. While the district court may have had the discretion to impose less severe sanctions, *see* NRS 176A.630(1), its decision not to do so did not constitute an abuse of discretion based on these facts. Therefore, we conclude Scambray is not entitled to relief based on this claim.

Second, Scambray argues the district court plainly erred by relying on untrue and thus “suspect” facts contained in the violation report.

Scambray contends the report was over a year old when it was filed; contained no information about the termination of Scambray's interstate compact; wrongly alleged he failed to provide proof of his participation in drug court and his employment; and did not reflect that Scambray "was in complete compliance" with his probation at the time of the revocation hearing. Scambray did not object, so we review for plain error. See *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, an appellant must show there was an error, the error was plain or clear, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48. Due process requires "that a revocation be based upon verified facts so that the exercise of discretion will be informed by an accurate knowledge of the (probationer's) behavior." *Anaya*, 96 Nev. at 122, 606 P.2d at 157 (internal quotation marks omitted).

In addition to the alleged violations contained in the non-technical probation violation report discussed above, the report also alleged (1) Scambray "failed to comply with the agreements listed in the Interstate Compact Application" which included "abiding by the terms and conditions of supervision placed upon him in both Nevada and [California]"; (2) "[a]s of the date of the report," Scambray failed to provide proof that he entered and completed the Faithful Transitional Drug Housing Program; and (3) "[t]o date," Scambray failed to provide proof of employment.

During the revocation hearing, Scambray admitted he failed to comply with the Interstate Compact Agreement. Thereafter, the district court asked Scambray if he denied failing to report his drug treatment and employment to the Division. Scambray explained that he tried to

communicate his situation to officials in California and Nevada but ultimately conceded he contacted the wrong person. The court then asked, "So, you admit those violations?" Scambray admitted he did. Scambray provided documentation about his participation in the Westminster Drug Court Program and informed the court he had been sober for 661 days and had part-time employment. There is no indication in the record that the district court did not consider Scambray's evidence. In light of these circumstances, Scambray failed to demonstrate the district court relied on suspect or unverified facts in revoking his probation. Therefore, we conclude Scambray is not entitled to relief based on this claim.

Finally, Scambray argues his due process rights were violated because the State failed to provide him notice and a hearing before revoking him from his interstate compact. Scambray did not make this argument below, so we review for plain error. *See Jeremias*, 134 Nev. at 50, 412 P.3d at 48-49. Before a district court can revoke probation, minimum due process requires: (1) notice of the alleged probation violations; (2) an opportunity for the probationer to appear and speak on his own behalf and to bring in relevant information; (3) an opportunity for the probationer "to question persons giving adverse information"; (4) a hearing before a "neutral and detached" hearing body; and (5) written findings. *Anaya*, 96 Nev. at 122, 606 P.2d at 158 (quotation marks omitted). Scambray does not allege he was denied due process regarding his probation revocation. To the extent Scambray implies those procedural safeguards are insufficient to revoke a probationer from an interstate compact, Scambray fails to cogently argue he is entitled to relief. Therefore, we decline to address this claim on appeal.

See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by the court.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kristin Luis, District Judge
Karla K. Butko
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

²To the extent Scambray raises new arguments for the first time in his reply brief, we need not consider them. *See LaChance v. State*, 130 Nev. 263, 277 n.7, 321 P.3d 919, 929 n.7 (2014).