IN THE COURT OF APPEALS OF THE STATE OF NEVADA

YAZID AYYAD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89406-COA

FILED

OCT 28 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Yazid Ayyad appeals from a district court order revoking probation. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Ayyad argues that the revocation of probation after he completed a sentence in California violated due process. Ayyad's Nevada probation had been transferred to California for supervision under the Interstate Compact for Adult Offender Supervision (ICAOS) where he was subsequently convicted of felonies and sentenced to prison. Ayyad contends that California failed to advise Nevada of Ayyad's California probation violations in a timely manner. He asserts that had California done so, Nevada could have retaken Ayyad under ICAOS and exercised jurisdiction earlier allowing him to potentially serve his Nevada sentence concurrently with the California sentence.

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). But when, as here, the district court's determination was based on interpretation of a statute or rule, we review

the district court's decision de novo. *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017).

The Interstate Commission for Adult Offender Supervision governs the ICAOS and makes rules to give it effect. NRS 213.215, arts. III, V, and VIII; *see Ramirez v. Superior Court*, 223 Cal. Rptr. 3d 536, 542 (Cal. App. 2017) ("The ICAOS rules have the force and effect of statutory law and are binding on compacting states."). According to ICAOS rules, a state to which a supervised individual is transferred (receiving state) must notify the state from which the individual is transferred (sending state) "of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report." ICAOS Rule 4.109(a); *see* ICAOS Rule 1.101 (defining "Behavior Requiring Retaking" as "an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrected action or graduated responses"). A receiving state may request the sending state to retake a supervised individual after conviction for a new felony or violent crime upon "completion of a term of incarceration for that conviction" or the "placement under supervision for that felony." ICAOS Rule 5.102(a); *see* ICAOS Rule 5.101-1 (providing that when supervised individual "is charged with a subsequent felony or violent crime, the individual shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the individual has been released to supervision").

Ayyad does not assert that the decision to revoke probation was not supported by evidence sufficient to reasonably satisfy the district court that Ayyad's conduct was not as good as required by the conditions of probation. *See Lewis*, 90 Nev. at 438, 529 P.2d at 797. Ayyad's argument

is premised on the contention that, if he were returned to Nevada when he was convicted in California, Nevada would have had the opportunity to impose the Nevada suspended sentences concurrently to the California sentences. This argument misreads the ICAOS rules. Rule 5.102 of the ICAOS, upon which Ayyad's contention relies, provides that Nevada was only required to retake Ayyad upon a request from California and the *completion* of Ayyad's California sentence or supervision. According to the violation report, California did not request that Nevada retake Ayyad and he was still serving his sentence at the time of the report. And the report did not indicate that he had completed his sentence or supervision.

To the extent Ayyad asserts that California should have notified the Nevada Division of Parole and Probation (Division) pursuant to Rule 4.109 upon his initial arrest, this contention also lacks merit. Ayyad does not allege that his initial arrest for misdemeanor offenses—before he was arrested and charged with a felony initiating a California prosecution that prevented his retaking until the completion of the sentence—constituted an act or pattern of non-compliance that could not be addressed through the use of documented corrected action or graduated responses such that California was required to notify the Division pursuant to Rule 4.109. Thus, Ayyad did not demonstrate that he was entitled to earlier retaking or the concurrent imposition of his underlying sentence to his California sentence under the ICAOS.[1] Therefore, Ayyad did not

[1]We note that ICAOS Rule 5.101-2 provided Ayyad a process to seek a disposition of his Nevada probation violation upon his conviction and potentially permit the California sentence to partially satisfy the Nevada sentence.

demonstrate that the district court's decision revoking probation violated his due process rights.[2] Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. Barry L. Breslow, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

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[2]To the extent Ayyad asserts the district court erred in denying the Division's petition for dishonorable discharge, we conclude this contention lacks merit. Under the effective version of NRS 176A.500(1)(b) at the time of the offense, a period of probation may not exceed five years for a felony conviction. 2017 Nev. Stat. ch. 503, § 1, at 3312. However, if a court issued a warrant for violating the conditions of probation, the time during which the warrant is in effect "is not part of the period of probation." *Id.*; *see* NRS 176A.500(3). Thus, Ayyad's period of probation was tolled from May 8, 2023, when the district court issued a warrant based on the violation report. And Ayyad does not otherwise demonstrate the district court erroneously denied the petition for dishonorable discharge.