

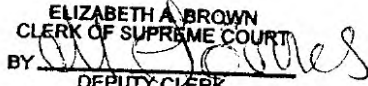
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE STEVEN HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90505-COA

FILED

JAN 28 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

George Steven Hudson appeals from a “judgment of revocation of probation.”¹ First Judicial District Court, Carson City; James Todd Russell, Senior Judge.

Hudson argues the district court abused its discretion by revoking his probation and imposing the underlying prison sentence. Hudson first contends there was insufficient evidence that he committed a new gross misdemeanor offense. 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

¹The judgment ordered that Hudson’s probation be revoked and that Hudson serve the underlying suspended prison sentence of 60 to 150 months.

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 (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); 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 Hudson violated the terms of his probation by being arrested in White Pine County for committing new felony and misdemeanor offenses, including possession of a stolen motor vehicle. Thereafter, Hudson pleaded no contest pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), in White Pine County to unlawful taking of a motor vehicle, a gross misdemeanor. A judgment of conviction was entered following entry of his plea.

Hudson denied the allegations contained in the violation report, and a probation revocation hearing was held. During the hearing, a CarMax employee testified that Hudson took a vehicle on a 24-hour test drive on July 18 but did not return the vehicle within 24 hours despite signing an agreement acknowledging that he would do so and would not drive the car more than 150 miles. The employee explained that when the vehicle was not timely returned, he called Hudson’s cellphone multiple

times but there was either no answer or a woman answered the phone “and pretended like they didn’t know what was going on.” The employee explained that CarMax then reported the vehicle stolen and it was later recovered in Ely, Nevada, more than 150 miles away.

A police officer testified that CarMax reported the vehicle stolen on July 21 and, following his investigation, he had the vehicle entered into the National Crime Information Center database as stolen. The officer explained the vehicle was later recovered in Ely and that he was informed that when it was recovered, Hudson was in possession of it. A deputy with the White Pine County Sheriff’s Office testified that on July 24, he was dispatched regarding a vehicle that had its license plate covered up by a sticker. While conducting a plain view search of the vehicle, he noticed there was also a sticker obstructing the front window VIN. He then observed Hudson enter the vehicle and drive off before the deputy stopped him. The deputy testified that when his partner ran the VIN, the vehicle came back as stolen and that Hudson was the sole occupant of the vehicle.

Hudson argues the district court erred by considering his conviction for unlawful taking of a motor vehicle because he entered an *Alford* plea to that offense and denied the allegations in the probation violation report. Hudson did not make this argument or object to the admission of evidence of his conviction below. Even if Hudson preserved this argument, *see Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018) (providing that the failure to preserve an error by objecting below forfeits the right to assert the error on appeal), the record does not reflect that the district court relied on this conviction in its decision to revoke his probation.

Instead, the district court appeared to base its decision on the evidence presented at the probation revocation hearing, which included testimony concerning his commission of the offense of unlawful taking of a motor vehicle.

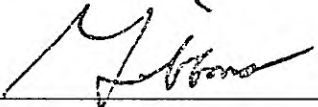
In light of this evidence, the district court could reasonably conclude that Hudson committed unlawful taking of a motor vehicle, and because it was a new gross misdemeanor offense committed during his probation, that Hudson's conduct was not as good as required by the conditions of probation. And while Hudson testified at the hearing that he intended to return the vehicle to CarMax as agreed but was instead jumped by two men, drugged, and taken in the vehicle to eastern Nevada, the district court did not find this testimony credible. *See Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008) ("This court will not reweigh the evidence or evaluate the credibility of witnesses because that is the responsibility of the trier of fact."). Therefore, Hudson is not entitled to relief based on this claim.

Hudson also contends the district court should have reinstated him on probation because: (1) he had not been given the chance to demonstrate his ability to succeed on probation given the short time period between being placed on probation and the violation; and (2) he substantially demonstrated he had "conquered his drug addiction and was not a threat to the community." Hudson does not demonstrate the district court abused its discretion. The above-described evidence supported the conclusion that despite the short period of time he was on probation, Hudson's conduct was not as good as required by the conditions of probation.

While the district court may have had the discretion to impose less severe sanctions, *see* NRS 176A.630(1), we conclude its decision not to do so did not constitute an abuse of discretion based on these facts. Therefore, Hudson is not entitled to relief based on this claim, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: First Judicial District Court, Department One
Karla K. Butko
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk