


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRELL MCLAURIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90661-COA

FILED

APR 14 2026

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

ORDER OF AFFIRMANCE

Terrell McLaurin appeals from a district court order revoking probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Tina Talim, Judge.

McLaurin claims the district court abused its discretion by revoking his probation and imposing the underlying prison sentence. McLaurin first contends the district court abused its discretion because it revoked his probation based on the commission of a new felony and gross misdemeanor even though those offenses were dismissed following a mistrial and because the State did not present “verifiable facts to show [he] committed a new felony or gross misdemeanor.”

The decision to revoke probation is within the broad discretion of the district court and will not be disturbed absent a clear showing of abuse. *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, 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. *Id.*; 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)).

A district court may revoke probation upon a first violation and without graduated sanctions if it finds the probationer “committed” a nontechnical violation of probation. NRS 176A.630(1). “The commission of a . . . [n]ew felony or gross misdemeanor” is a nontechnical violation. NRS 176A.510(8)(c)(1)(I). The meaning of “committed” and “commission” as they are utilized in NRS 176A.630(1) and NRS 176A.510(8)(c)(1)(I) is an issue of statutory interpretation. “Statutory interpretation is a question of law subject to de novo review.” *Williams v. State, Dep’t of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017) (quotation marks omitted). “The goal of statutory interpretation is to give effect to the Legislature’s intent.” *Id.* (internal quotation marks omitted). “To ascertain the Legislature’s intent, we look to the [statutes’] plain language.” *Id.*

Based on the plain language of NRS 176A.630(1) and NRS 176A.510(8)(c)(1)(I), the legislature intended “committed” and “commission” to mean that the probationer performed or perpetrated a new felony or gross misdemeanor. See *Commit*, Black’s Law Dictionary (12th ed. 2024) (defining “commit,” in pertinent part, as “[t]o perpetrate (a crime)”); *Commission*, Black’s Law Dictionary (12th ed. 2024) (defining “commission,” in pertinent part, as “[t]he act of doing or perpetrating (as a crime)”). Accordingly, pursuant to NRS 176A.630(1) and NRS 176A.510(8)(c)(1)(I), the district court need not find that a probationer was

convicted of a felony or gross misdemeanor to revoke probation based upon a first violation without the use of graduated sanctions. *Cf. Dail v. State*, 96 Nev. 435, 440, 610 P.2d 1193, 1196 (1980) (“[C]onviction is not a precondition to probation revocation . . .”). Rather, it only needs to find that a probationer performed or perpetrated a new felony or gross misdemeanor based on verified facts presented at a probation revocation hearing.

The record reflects that, while on probation, McLaurin was arrested and charged with possession of a stolen vehicle and possession of burglary tools.¹ McLaurin elected to proceed to trial on the new charges, and the district court presiding over that matter declared a mistrial after the jury failed to reach a verdict; the court dismissed the new charges on the State’s motion. Subsequently in this case, at a hearing regarding a status check on negotiations or the setting of a revocation hearing, McLaurin requested the district court treat the hearing as a revocation hearing, stipulated to being arrested on the new felony and gross misdemeanor charges, and stipulated to technical violations of probation. The district court found that, notwithstanding the mistrial, the fact that

¹Although the record includes references to a probation violation report prepared by the Division of Parole and Probation, McLaurin did not include a copy of the report in the record on appeal. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009) (“The burden is on the appellant to provide this court with an adequate record enabling this court to review assignments of error.”). We presume it supports the district court’s decision. *See Cuzze v. Univ. & Cmty. Coll. Sys. Of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).

McLaurin was bound over to the district court after a preliminary hearing established probable cause that McLaurin had committed the new offenses.² Because the record demonstrates McLaurin “committed” new felony and gross misdemeanor offenses pursuant to NRS 176A.630(1) and NRS 176A.510(8)(c)(1)(I), we conclude the district court did not abuse its discretion in revoking his probation and imposing his underlying prison sentence.

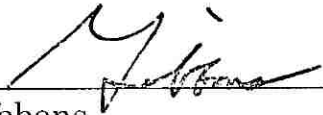
Second, McLaurin claims the district court abused its discretion in revoking his probation and imposing the underlying prison sentence because it “may have” considered technical violations he committed as “cumulatively creating a non-technical violation.” McLaurin stipulated at the revocation hearing that he committed technical violations of probation by failing to provide the Division of Parole and Probation with proof of employment or of his seeking employment and with proof that he had participated in either a substance abuse or impulse control evaluation. McLaurin’s claim that the district court treated these technical violations as cumulatively creating a nontechnical violation is belied by the record. As discussed above, the district court revoked McLaurin’s probation and imposed his underlying sentence because he committed nontechnical violations. Moreover, in revoking probation, the district courts have the discretion to consider whether a probationer’s conduct was not as good as

²McLaurin does not argue that the district court erred by failing to conduct the balancing test required by *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 157 (1980), before considering his bindover on the new felony charges.

required by the conditions of probation. *See Lewis*, 90 Nev. at 438, 529 P.2d at 797. Here, the district court found McLaurin's technical violations—combined with the commission of new offenses—showed he had “failed to demonstrate a commitment to rehabilitation or accountability.” We therefore conclude McLaurin is not entitled to relief on this claim. Accordingly, we

ORDER the revocation of probation and amended judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tina Talim, District Judge
Smith Legal Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk