



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VERNON GENE BATTLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 91641-COA

*ORDER OF AFFIRMANCE*

Vernon Gene Battle appeals from an order for revocation of probation and third amended judgment of conviction. Battle was convicted, pursuant to a guilty plea, of attempted carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; Hon. Eric Johnson, Judge.

Battle argues the district court abused its discretion by revoking his probation. Battle contends the district court failed to consider the reason he violated his probation term of completing an inpatient treatment program and failed to consider other options for his probation violation, such as a period of incarceration in jail with a dishonorable discharge from probation or the opportunity to continue in an outpatient program.

“The decision to revoke probation is within the district court’s broad discretion and will not be disturbed absent ‘a clear showing of abuse of that discretion.’” *Garcia v. State*, 142 Nev., Adv. Op 42, 590 P.3d 920, 924 (2026) (quoting *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974)). A district court may revoke probation for a nontechnical violation, NRS 176A.630(1)(a), which includes “[t]ermination from a program which provides residential treatment,” NRS 176A.510(8)(c)(2). “Evidence supporting

revocation must be sufficient to reasonably satisfy the court that the conduct of the probationer has not been as good as required by the conditions of probation.” *Garcia*, 142 Nev., Adv. Op 42, 590 P.3d at 924 (internal quotation marks omitted).

Over Battle’s nearly two-year period on probation, he violated his probation three times. After the first violation, which was for failing to obtain a substance abuse evaluation, being arrested for new felony charges,<sup>1</sup> and possession of controlled substances, the district court ordered Battle to participate in an outpatient substance abuse program. After the second violation, which was for being arrested for new felony charges, the district court ordered Battle to serve 90 days in jail and to complete an inpatient substance abuse treatment program. The instant violation occurred when Battle left his inpatient treatment program against medical advice and was terminated from the program. Battle stipulated to this violation.

At the probation revocation hearing, Battle informed the district court he left the treatment program because the facility did not timely provide him with his medications. Battle also argued that he started an outpatient program after he left the inpatient program, and he asked that his probation continue so that he could finish that program. He also requested that, if the district court was not amenable to allowing him to continue on probation, the district court institute a jail term and grant him a dishonorable discharge from probation after completing that term given how close he was to finishing his probation term. The State argued that the inpatient treatment facility informed Battle’s probation officer that Battle left because he was unwilling to participate in the program. The district court heard the arguments of the

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<sup>1</sup>We note he pleaded guilty to a misdemeanor on these new charges.

parties and determined that revocation of probation was the appropriate remedy. Based on this record, we conclude the district court did not abuse its discretion by revoking probation. Accordingly, we

ORDER the order for revocation of probation and third amended judgment of conviction AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Eric Johnson, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Eighth District Court Clerk