



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAYCOB JADEN MEINKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90812-COA

ORDER OF AFFIRMANCE

Jaycob Jaden Meinke appeals from a district court order revoking probation. Second Judicial District Court, Washoe County; Hon. Barry L. Breslow, Judge.

Meinke argues the district court abused its discretion by revoking his probation when no credible evidence was presented to support a nontechnical violation of probation. Because Meinke did not object or otherwise challenge the allegations underlying the revocation of his probation, we review for plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, he must show “(1) there was an error; (2) the error is plain, meaning that it is clear under the current law from a casual inspection of the record; and (3) the error affected [his] substantial rights.” *Id.* at 50, 412 P.3d at 48 (internal quotation marks omitted). A district court may revoke probation 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). “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 v. State*, 142 Nev., Adv. Op. 42, 590 P.3d 920, 924 (2026) (internal quotation marks omitted).

The Division of Parole and Probation (Division) filed a nontechnical violation report and a supplemental nontechnical violation report alleging that Meinke had violated the conditions of his probation by, inter alia, being arrested on new felony and gross misdemeanor charges in both California and Washoe County.¹ At the outset of the revocation hearing, which the district court had previously continued so Meinke’s counsel could investigate the California case, Meinke’s counsel represented that Meinke was ready to proceed and that there had been discussions with the State regarding a possible resolution. Counsel explained that Meinke and the State had reached a tentative agreement whereby Meinke would obtain mental health and substance abuse evaluations and would seek reinstatement on probation with the amended condition that he complete mental health court or drug court.

In support of this proposed resolution of the case, counsel argued that Meinke had mental health and substance abuse issues, particularly with methamphetamine. Counsel explained: “And in these new allegations, in every single one of them, including in his last case, when he was arrested, he was in possession of methamphetamine. He was using methamphetamine. And he has a serious problem with impulse control and drug use.” Counsel stated that, since Meinke had been in jail, he had been prescribed new medications to address his mental health issues. Counsel described Meinke as intelligent but

¹The reports alleged that Meinke had been arrested in California on the charge of prohibited person in possession of a firearm (a felony) and in Washoe County for possession of a schedule 1 or 2 controlled substance, less than 14 grams (a felony) and destroying or concealing evidence (a gross misdemeanor).

suffering from impulse control and behavioral issues. Counsel also explained that Meinke was only 22 years old and had never had the opportunity to address the issues underlying his substance abuse.

The prosecutor stated that she and Meinke reached a tentative agreement where the State would consider offering a misdemeanor in Meinke's new Washoe County case on the condition that he complete drug court or mental health court as a condition of probation in this case, with the caveat that Meinke still had to address his California case. The district court then asked Meinke if there was something he wanted the court to consider. The court stated to Meinke that he did not need to discuss his pending criminal matters. Meinke explained that, after being granted probation, he lost his significant other and had essentially been dealing with that loss on his own and "turned to the wrong resorts for comfort." He stated that he knew the court had given him a big chance by placing him on probation but was asking for another chance to get help. He explained that he wanted to do things with his life and did not want to go to prison. Thereafter, the district court found Meinke committed a nontechnical violation of the conditions of his probation "for the reasons set forth in the Division's report and supplemental report," revoked Meinke's probation, and imposed the underlying sentence.

Meinke did not refute that he was arrested for the commission of new felony and gross misdemeanor offenses, argue that the commission of these offenses was not a violation of his terms and conditions of probation, or challenge the accuracy of the allegations on which the district court relied. *See McNallen v. State*, 91 Nev. 592, 592-93, 540 P.2d 121, 121 (1975) (affirming revocation of probation where probationer did not refute violation); *cf. Anaya v. State*, 96 Nev. 119, 123-24, 606 P.2d 156, 158-59 (1980) (finding that the presumptive reliability of an arrest report "used to establish facts constituting

a probation violation becomes more questionable” when the “accuracy of the facts alleged is challenged by the probationer”). And instead of challenging the violations, Meinke and his counsel focused their argument on the reasons why reinstatement on probation was appropriate given Meinke’s mental health and substance abuse issues. In addition, Meinke’s counsel appeared to concede that Meinke possessed a controlled substance as alleged in the new Washoe County charge. *See Wehrheim v. State*, 84 Nev. 477, 480, 443 P.2d 607, 608 (1968) (“A party is bound by the acts of his attorney in the management of his case.”). And Meinke offers no persuasive authority to support his contention that counsel’s statement was hearsay or that Meinke himself must admit or deny the allegations for such a concession to be binding on him. In light of these circumstances, we conclude Meinke fails to demonstrate error plain from the record affecting his substantial rights. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

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