

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIS GINO CALESTINI, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38887

**FILED**

**FEB 12 2002**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Rehand*  
CHIEF DEPUTY CLERK

This is an appeal from a district court order revoking appellant Louis Gino Calestini's probation.

On January 16, 2001, Calestini was convicted, pursuant to a guilty plea, of one count of attempted burglary. The district court sentenced Calestini to serve a prison term of 24 to 60 months to run consecutively to a sentence imposed in an unrelated case. The district court then suspended execution of the sentence and placed Calestini on probation for a period not to exceed 5 years.

On October 23, 2001, the Division of Parole and Probation filed a violation report against Calestini, reporting that he had violated numerous conditions of his probation. At the probation revocation hearing, Calestini admitted to many of the violations including that he failed to appear at a scheduled appointment with the Division, that he was a "no call/no show" at a residential halfway house program in which he was enrolled, and that he had used marijuana. The district court revoked Calestini's probation, commenting on the fact that he had "worked [his] way out of" numerous controlled substance treatment programs.

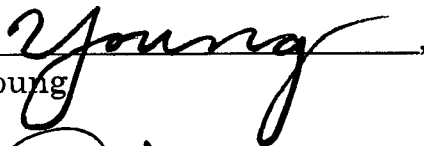
Calestini's sole contention is that the district court abused its discretion in revoking his probation. Specifically, Calestini contends that

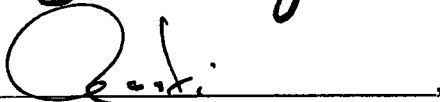
it was “fundamentally unfair” to revoke his probation because he has attention deficit disorder and is a drug addict who needs long-term treatment. We conclude that Calestini’s contention lacks merit.


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.<sup>1</sup> 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.<sup>2</sup> Here, Calestini admitted that his conduct was not as good as required by the conditions of probation. Accordingly, the district court did not abuse its discretion in revoking his probation.

Having considered Calestini’s contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Young

 J.  
Agosti

 J.  
Leavitt

---

<sup>1</sup>Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

<sup>2</sup>Id.

cc: Hon. William A. Maddox, District Judge  
Attorney General/Carson City  
Carson City District Attorney  
State Public Defender/Carson City  
Carson City Clerk