

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK PAUL LIRA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39132

FILED

MAY 03 2002

JANE TTE M BLOOM
CLERK OF SUPREME COURT

BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court revoking appellant Rick Lira's probation. On September 27, 2001, Lira was convicted, pursuant to a nolo contendere plea, of attempted burglary, a felony. The district court sentenced Lira to serve a term of 24 to 60 months in the Nevada State Prison. The district court then suspended execution of Lira's sentence and placed him on probation for a period not to exceed 4 years.

At his probation revocation hearing on December 28, 2001, Lira admitted that he had violated the terms of his probation by not returning on time, on two consecutive days, to the supervised facility where he was living. Lira contends that the district court abused its discretion in revoking his probation because the reported violations were quite minor.

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.¹ Evidence supporting a decision to revoke probation must merely


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

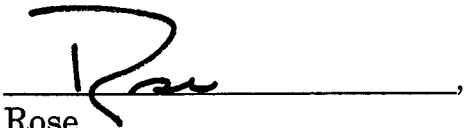
be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.²


In this case, we conclude that the district court did not err in finding that Lira's conduct was not as good as required. Specifically, the district court noted that Lira had failed probation on previous occasions, and that it had only granted probation in this case with serious reservations. We conclude that the district court acted within its discretion in revoking Lira's probation.

Having considered Lira's contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. James W. Hardesty, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²Id.