

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. HICKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39211

FILED

JUL 22 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order revoking appellant Robert J. Hicks' probation. On September 25, 2001, Hicks was convicted, pursuant to a guilty plea, of one count of attempted possession of a controlled substance. The district court sentenced Hicks to serve a prison term of 18 to 48 months, and then suspended execution of the sentence and placed Hicks on probation for a period not to exceed 5 years.

On November 6, 2001, Hicks violated his probation by testing positive for PCP. On January 3, 2002, Hicks stipulated to the violation of his probation and waived his right to a probation revocation hearing. The district court then revoked Hicks' probation. Hicks filed the instant appeal.

Hicks contends that the district court abused its discretion in revoking his probation because it failed to "state with some particularity the basis for the decision so that [he had] the ability to challenge the decision on appeal." We conclude that Hicks' 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

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

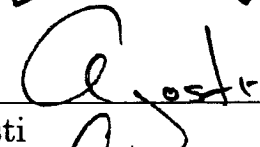
be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.<sup>2</sup>


Here, Hicks' conduct was not as good as required by the conditions of his probation because he used a controlled substance. Before expressly finding that Hicks had violated his probation, the district court accepted Hicks' stipulation that he had used PCP in violation of a condition of his probation. We therefore disagree with Hicks that the basis of the district court's finding is not apparent from the record.

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

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Michael A. Cherry, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Clerk

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<sup>2</sup>Id.