

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYATT JOHNATHAN STARLING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40655

FILED

MAR 13 2003

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order revoking appellant Wyatt Johnathan Starling's probation.

On March 6, 2001, Starling was convicted, pursuant to a guilty plea, of one count of conspiracy to commit home invasion. The district court sentenced Starling to serve a jail term of 12 months, and then suspended execution of the sentence, placing Starling on probation for a period not to exceed 36 months.

On October 1, 2002, the Division of Parole and Probation filed a violation report against Starling. The Division alleged that Starling violated his probation by threatening his former landlord. After conducting a revocation hearing, the district court revoked Starling's probation.

Starling contends that the district court abused its discretion in revoking his probation because Starling met the conditions and requirements of his probation, and the State's evidence to the contrary was "highly dubious at best." We conclude that the district court did not abuse its discretion in revoking Starling's probation.

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 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

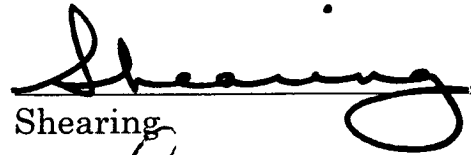
In the instant case, we conclude that the district court's finding that Starling's conduct was not as good as required is supported by sufficient evidence. First, Starling's probation officer Richard Meecham testified at the revocation hearing that, for the past eighteen months, there had been several allegations that Starling had threatened other individuals. Second, Kip Collins, a Verdi Justice Court clerk, testified that he heard Starling angrily threaten to "drop" his former landlord if he got in the way, that Collins took the threat seriously, and reported Starling to authorities. Third, Starling's father-in-law Keith Britt testified that he received a temporary restraining order against Starling because he repeatedly threatened him and had beaten Britt's daughter. Fourth, the State admitted evidence at the revocation hearing that Starling had performed marginally as a parent and in his anger management classes, and that Social Services was seeking permanent placement of Starling's children with another individual. Finally, Starling's wife, who testified on his behalf, conceded on cross-examination that Starling had beaten her. Because Starling's conduct was not as good as required, the district court did not abuse its discretion in revoking Starling's probation.


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

²Id.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.


_____, J.


_____, J.

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk