

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD MONROE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41847

FILED

JAN 28 2004

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court revoking appellant Ronald Monroe's term of probation.

On September 30, 2002, Monroe was convicted, pursuant to a guilty plea, of one count of robbery. The district court sentenced Monroe to a prison term of 24-100 months, and then suspended execution of the sentence and placed him on a term of probation with several conditions for an indeterminate period not to exceed 5 years. On February 14, 2003, after the State filed a notice of intent to revoke Monroe's probation, the district court reinstated Monroe's term of probation, and filed an amended judgment of conviction adding as a condition that Monroe first serve 90 days in jail. Several months later, the State filed a second notice of intent to seek revocation of Monroe's probation. On July 16, 2003, the district court conducted a hearing and revoked Monroe's probation and ordered him to serve the remaining balance of his sentence. Monroe now appeals from the district court's order revoking his probation.

Monroe's contends that the district court abused its discretion when it revoked his term of probation and reinstated his original suspended sentence. Monroe concedes that he violated the terms of his

probation by never reporting to his probation officer or paying his supervision fees, but argues that those violations were “minimal.” Monroe explained that he legitimately violated the terms of his probation because “he was homeless and unemployed . . . and wanted to wait to report until he had a place to live and a job.” We conclude that Monroe’s contention is without 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.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 this case, Monroe is unable to demonstrate that the district court abused its discretion. The district court conducted a hearing and heard from Monroe, his counsel, and his probation officer. As noted above, Monroe concedes that he violated the terms of his probation by never reporting to his probation officer as required or paying his supervision fees. Therefore, we conclude that the district court acted within its discretion when it revoked Monroe’s probation.³

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

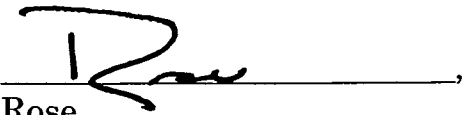
²Id.

³See generally McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

Having considered Monroe's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. Sally L. Loehrer, District Judge
Daniel J. Albregts, Ltd.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk