

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS WALTER HEALD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42715

FILED

SEP 16 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order revoking probation. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

On December 21, 1999, appellant Thomas Walter Heald was convicted, pursuant to a guilty plea, of level-three trafficking in a controlled substance. The district court sentenced Heald to serve a prison term of 10 to 25 years, but then suspended execution of the sentence, placing Heald on probation for a time period not to exceed 5 years. Heald did not file a direct appeal.

On November 4, 2003, the Division of Parole and Probation filed a probation violation report against Heald. Thereafter, on December 18, 2003, the district court conducted a probation revocation hearing. At the hearing, Heald admitted that he violated his probation by using controlled substances and possessing weapons. After hearing arguments from counsel, the district court entered an order revoking Heald's probation. Heald filed this timely appeal.


Heald contends that the district abused its discretion in revoking his probation. Heald argues that his probation should not have been revoked because: (1) he had been successful on probation for four years before his relapse into drug use; and (2) his relapse was caused by depression arising from a serious medical condition; (3) he made

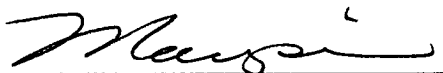
immediate efforts to address his addiction by voluntarily entering into a drug treatment program; and (4) the weapons at issue were being disposed of and were either toys or antique collectibles that he sold on eBay. We conclude that Heald's contention lacks merit.

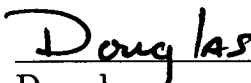
The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse.¹ Evidence supporting a decision to revoke probation must merely be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.² In this case, we conclude that the district court did not abuse its discretion in revoking probation because Heald admitted that he violated the conditions of his probation. Accordingly, the district court's decision to revoke probation was supported by sufficient evidence.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

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

²Id.

cc: Hon. Janet J. Berry, District Judge
Dennis A. Cameron
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk