

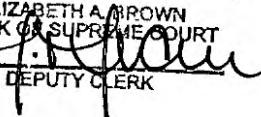
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TARIQ JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85931-COA

FILED

DEC 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Tariq Jones appeals from an order for revocation of probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Jones argues the district court abused its discretion by revoking his probation, because no evidence was presented that he committed or intended to commit new crimes. 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. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At the probation revocation hearing, Jones stipulated to being in violation of the terms of his probation by absconding for two years. Based on this, we conclude that the district court could reasonably find that Jones' conduct was not as good as required by the conditions of his probation and, therefore, that the district court did not abuse its discretion by revoking his probation. *See id.*; 1997 Nev. Stat., ch. 654, § 2, at 3237-38 (formerly NRS 176.221(1), (4)).

Jones also argues that revocation of his probation amounts to cruel and unusual punishment. In particular, Jones claims that legislative changes to drug offense statutes which have occurred subsequent to his

conviction would subject him to less severe punishment and that these changes, in conjunction with a lack of evidence regarding commission of a new crime, renders revocation of his probation cruel and unusual. Probation revocation is merely considered the reinstatement of Jones' original sentence for the underlying offense, not punishment for the conduct that led to the probation revocation. *See United States v. Brown*, 59 F.3d 102, 104-05 (9th Cir. 1995); *People v. Hawkins*, 119 Cal. Rptr. 54, 60 (Ct. App. 1975) (providing that "[t]he revocation of probation is not 'punishment'" for purposes of one being subjected to cruel and unusual punishment). Therefore, we conclude that Jones is not entitled to relief based on this claim. Accordingly, we

ORDER the order for revocation of probation and amended judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Joseph Hardy, Jr., District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk