

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVIN TODD HUTCHISON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86397-COA

**FILED**

DEC 28 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Devin Todd Hutchison appeals from an “order revoking probation and deferral, entering judgment and imposing sentence.”<sup>1</sup> Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Hutchison argues the district court abused its discretion by revoking his probation and imposing his previously suspended prison sentence. In particular, Hutchison contends that (1) the district court did not follow the Division of Parole and Probation’s (Division) recommendation of a 90-day revocation, and (2) he needed mental health services that were not available in White Pine County prior to December 2022.

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). Evidence supporting a decision to revoke probation must merely be sufficient to

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<sup>1</sup>We note that despite the title of the order, the judgment was entered, not deferred, in this matter.


reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation. *Id.*

At the March 20, 2023, probation revocation hearing, Hutchison admitted to being in violation of the terms of his probation by failing to inform the Division about a change in residence, using a controlled substance (methamphetamine) on multiple occasions, failing to provide proof of community service as required by the Division, and failing to pay fees owed to the Division. Based on this, we conclude that the district court could reasonably find that Hutchison's conduct was not as good as required by the conditions of his probation. Although the Division recommended a 90-day revocation, the district court is not bound by the Division's recommendation, *see id.* (stating "the law is well-established that revocation of probation is within the exercise of the trial court's broad discretionary power"), and the district court considered Hutchison's mental health issues in revoking his probation. Therefore, we conclude that the district court did not abuse its discretion by revoking Hutchison's probation and imposing the previously suspended prison sentence. Accordingly, we

ORDER the order revoking probation and deferral, entering judgment and imposing sentence AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Steve L. Dobrescu, District Judge  
Kirsty E. Pickering Attorney at Law  
Attorney General/Carson City  
White Pine County District Attorney  
White Pine County Clerk