

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAMEDA NICOLE WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86726-COA

FILED

MAR 18 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Lameda Nicole White appeals from an order revoking probation. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

White argues the district court abused its discretion by revoking her probation because the probation violation report only alleged that she had been arrested for new felony offenses and did not allege she had committed or been convicted of those offenses. 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). The Division of Parole and Probation “may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted.” NRS 176A.510(6). However, the commission of a new felony offense is not a technical violation, NRS 176A.510(7)(c), and a district court may revoke probation “[i]f the court finds that the probationer committed a violation of a condition of probation by committing a new felony.” NRS 176A.630(1)(a). 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. *Lewis*, 90 Nev. at 438, 529 P.2d at 797.

As a condition of her probation, White was required to comply with the law. The probation violation report alleged White violated the conditions of her probation by failing to comply with, among other conditions, "LAWS." The report provided, in relevant part, that White had been booked for "OWN/POSS GUN BY PROHIBIT PERS 5212NV, FELONY" and "TRAFF SCH I-II C/S FLNTRZ/GBH 400+ GR 3599NV, FELONY." Prior to her probation being revoked, a jury found White guilty of those offenses in a separate case. The same district court judge who presided over White's jury trial presided over her probation revocation hearing and used those convictions as the basis for revoking her probation.

We conclude the probation violation report sufficiently alleged grounds for revocation. To be legal, an arrest must be based on probable cause. *Keese v. State*, 110 Nev. 997, 1001, 879 P.2d 63, 66 (1994); see U.S. Const. amend. IV; Nev. Const. art. 1, § 18. Probable cause to arrest exists where an officer, at the time of arrest, has reasonably trustworthy information that the person to be arrested has committed an offense. *Doleman v. State*, 107 Nev. 409, 413, 812 P.2d 1287, 1289 (1991). Although the violation report did not contain details about the commission of the offenses, it alleged that White had been arrested for felony offenses, thereby demonstrating that probable cause existed to support an allegation that White violated the terms of her probation. Further, because a jury later convicted White of the felony offenses she was alleged in the report to have committed, the district court could reasonably find that her conduct was not as good as required by the conditions of her probation. In light of these

circumstances, we conclude the district court did not abuse its discretion by revoking White's probation, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Kathleen M. Drakulich, District Judge  
Mayhew Law PLLC  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk