

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN M. MCLACHLAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53930

**FILED**

FEB 03 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

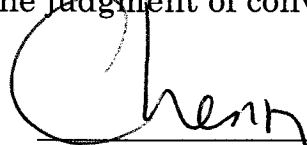
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of statutory sexual seduction. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

McLachlan claims that his conditions of probation were improperly imposed and are unconstitutional because (1) they were imposed outside of court after the sentencing proceeding, (2) they are unrelated to and not justified by his offense, (3) they are vague and overbroad, and (4) they deprive him of several constitutional rights. We disagree.

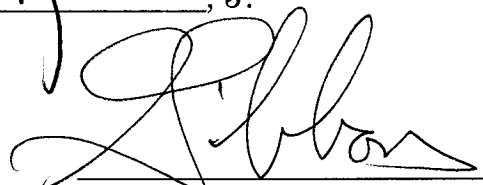
Contrary to McLachlan's assertion, he was informed that the court would be imposing the special conditions of probation for sex offenders under NRS 176A.410 at sentencing. The imposition of the special conditions of probation for sex offenders was mandatory because McLachlan pleaded guilty to a sex offense and he did not assert that any extraordinary circumstances were present that would warrant the departure from imposition of the mandatory conditions. See NRS 176A.410(1), (6), (7); NRS 179D.410(3) (defining sexual offense); NRS 200.368 (statutory sexual seduction). Although McLachlan claims that the

conditions imposed are vague because they are taken directly from the statute and are not specifically tailored to his offense, we have previously determined that the broad grant of authority to set the requirements of probation did not render NRS 176A.410 unconstitutionally vague. See Mangarella v. State, 117 Nev. 130, 137, 17 P.3d 989, 993 (2001). Moreover, NRS 176A.410 is designed to “further the special needs inherent in supervising sexual offenders,” and McLachlan has not demonstrated that his conditions of probation are not reasonably related to the purposes of the statute. Id. at 137, 17 P.3d at 993-94. Finally, because the conditions imposed are reasonably related to meet the needs of supervising sex offenders, McLachlan has failed to demonstrate that the special conditions infringe upon or improperly deprive him of constitutional rights. Accordingly, we conclude that the conditions of probation were not improperly imposed and do not violate McLachlan’s constitutional rights, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

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

cc: Hon. Patrick Flanagan, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk