

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANCY WILLIAMS A/K/A NANCY
YVONNE WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55805

NANCY WILLIAMS A/K/A NANCY
YVONNE WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55806

FILED

OCT 27 2010

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

ORDER OF REVERSAL

These are consolidated appeals from district court orders revoking appellant Nancy Williams' probation. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Williams claims that the district court lacked jurisdiction to revoke her probation. We agree.

The record reveals that Williams began serving her terms of probation on February 9, 2005. Therefore, her five-year probationary terms expired on February 8, 2010.¹ See generally Kuykendall v. State,

¹The parties do not dispute that Williams began serving her terms of probation on February 9, 2005, and they have not provided any argument regarding the impact NRS 176.335(3) (establishing when a term of imprisonment begins) and NRS 178.472 (computation of time) may have
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112 Nev. 1285, 1286, 926 P.2d 781, 782 (1996) (supporting a determination that the day of sentencing counts when computing the expiration of a sentence). Williams was not provided written notice of intent to revoke her probation before the expiration of her probationary terms. See Gagnon v. Scarpelli, 411 U.S. 778, 786 (1973) (minimum due process requires that a probationer be provided with written notice of the claimed violations). Therefore, we conclude that on February 9, 2010, the district court lacked jurisdiction to revoke Williams' probation. See NRS 176A.500(1) (limiting probationary period); Wicker v. State, 111 Nev. 43, 47, 888 P.2d 918, 920 (1995) (purpose of limitation period "is to set some sort of time limit on a district court's power over a particular defendant"); see also Sherman v. Warden, 94 Nev. 412, 414, 581 P.2d 1278, 1279 (1978) ("[I]t is the initial act of pretermination arrest which vests jurisdiction in the district court to revoke probation."). Accordingly, we

ORDER the judgments of the district court REVERSED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

... continued

on computing the expiration of a sentence or term of probation. Therefore, we do not reach this issue.

²In light of this order, we do not address Williams' other claims on appeal.

cc: Hon. Michelle Leavitt, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk