

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT NADON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57321

**FILED**

NOV 13 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingerson  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Robert Nadon's probation. First Judicial District Court, Carson City; James E. Wilson, Judge.

Nadon contends that the district court lacked jurisdiction to revoke his probation after the expiration of his probationary term, and doing so violated his right to due process. We disagree. Within the probationary term the Division of Parole and Probation filed a violation and supplemental violation report, Nadon received written notice of the alleged violations and was held in custody pursuant to those allegations, and the district court held a revocation hearing and orally revoked Nadon's probation. Although the written order revoking probation was

filed outside of the probationary term,<sup>1</sup> there is no requirement that the final order be entered within that term, and we have previously held that the district court is not deprived “of jurisdiction over a probation revocation proceeding merely because the final revocation occurs after the probation term has expired.” Sherman v. Warden, 94 Nev. 412, 414, 581 P.2d 1278, 1279 (1978). Accordingly, we conclude that this claim lacks merit.

Nadon also contends that (1) NRS 179D.460 and NRS 179D.550, governing sex-offender registration, violate the Ex Post Facto Clause, Double Jeopardy Clause, and Contracts Clause of the Nevada and United States Constitutions and the Due Process Clause of the United States Constitution; (2) his 1990 conviction for attempted open and gross lewdness did not subject him to sex-offender registration; (3) the State breached the guilty plea agreement in his 1990 conviction by prosecuting him for the instant offense in 2005; (4) his counsel was ineffective for advising him to plead guilty to the underlying offense; and (5) the sex-offender registration requirements resulting from his 1990 conviction violate his right to travel. These claims are not appropriately raised in this appeal from an order revoking probation. See Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (“[C]laims that are appropriate for direct appeal must be pursued on direct appeal, or they will be

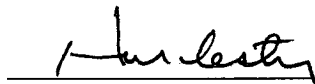
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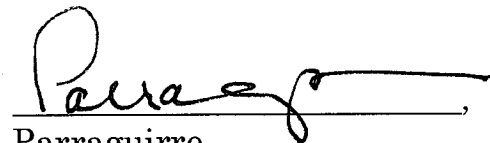
<sup>1</sup>It appears that the parties and the district court intended that the written order revoking probation be nunc pro tunc, effective the date of the oral revocation. The written order, however, is not nunc pro tunc.

considered waived in subsequent proceedings.”), overruled on other grounds by *Thomas v. State*, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999); *Gibbons v. State*, 97 Nev. 520, 523, 634 P.2d 1214, 1216 (1981) (claims of ineffective assistance of counsel are more appropriately raised in the district court in the first instance by way of a petition for post-conviction relief). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. James E. Wilson, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk