

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES LEWIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58177

JAMES LEWIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58178

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingersoll*
DEPUTY CLERK

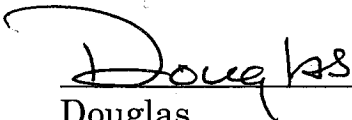
ORDER OF AFFIRMANCE

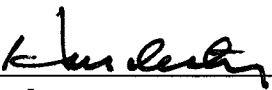
These are appeals from two separate district court orders revoking probation. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge. We elect to consolidate these appeals for disposition purposes only. See NRAP 3(b).

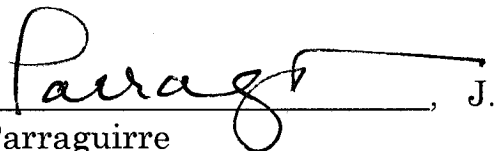
Following a probation revocation hearing, the district court revoked appellant James Lewis's probation in two separate cases. Lewis contends that the district court committed plain error by allowing two witnesses to remain in the courtroom during the revocation proceedings after defense counsel invoked the rule of exclusion. However, the rule of exclusion is a creature of statute which falls within Title 4 of the Nevada Revised Statutes and does not apply to probation revocation hearings. See NRS 47.020(3)(c); NRS 50.155(1); see generally *Witter v. State*, 112 Nev. 908, 916-17, 921 P.2d 886, 892-93 (1996), receded from on other grounds by *Byford v. State*, 116 Nev. 215, 994 P.2d 700 (2000). Accordingly, Lewis

has failed to demonstrate the existence of plain error, see Green v. State,
119 Nev. 542, 545, 80 P.3d 93, 95 (2003), and we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
Lincoln County District Attorney
Lincoln County Clerk