

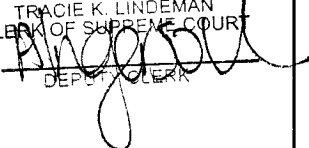
IN THE SUPREME COURT OF THE STATE OF NEVADA

THERESA ANNE GASPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63242

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPT. CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Theresa Anne Gasper's probation. First Judicial District Court, Carson City; James Todd Russell, Judge.


Gasper contends that the district court erred by not providing her the opportunity to speak in allocution at the revocation hearing. Because Gasper did not object, we review for plain error. *Mendoza-Lobos v. State*, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009).

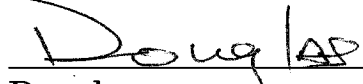
A probation revocation hearing is not a criminal prosecution and "the full panoply of constitutional protections afforded a criminal defendant does not apply." *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 157 (1980). Before her probation was revoked, Gasper was provided with notice of her alleged violations and had an opportunity to challenge the evidence against her. See NRS 211A.127(2); *Anaya*, 96 Nev. at 122, 606 P.2d at 158. Gasper personally admitted to violating the conditions of her probation and counsel argued for reinstatement on her behalf. Gasper did not indicate that there was anything else she wished to bring to the court's attention and does not suggest what information she would have presented that would have altered the outcome of the revocation

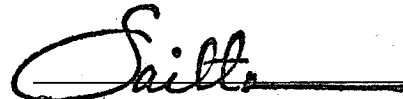
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proceeding. Even assuming that the right of allocution exists at probation revocation proceedings, we conclude that Gasper failed to demonstrate plain error which affected her substantial rights, *see Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 507, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

¹The fast track statement and response do not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text in the body of the brief, excluding headings and quotations, is not double-spaced. The fast track statement does not comply with NRAP 32(a)(5) because the text in the footnote is not the same size as the text in the body of the brief. *See* NRAP 3C(h)(1). Counsel for both parties are cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. *See* NRAP 3C(n).