

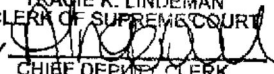
IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL SCOTT ESPELAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66782

FILED

MAR 11 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

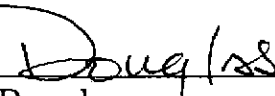
This is an appeal from a district court order revoking appellant Darryl Scott Espeland's probation. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

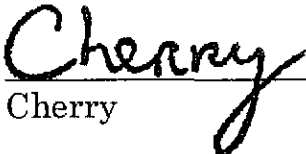
Espeland contends that the district court did not constitute a neutral and detached hearing body because the presiding judge referenced his experience as a former prosecutor at sentencing. *See Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 158 (1980). We reject this assertion. The district court merely informed Espeland that he received an extremely favorable deal from the State, which the judge would not have given as a prosecutor but would follow nonetheless. Espeland did not object and fails to demonstrate that the district court based its revocation decision on anything other than Espeland's unacceptable conduct while on probation. *See Green v. State*, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003) (explaining that we review for plain error where appellant failed to object); *see also United States v. Gipson*, 835 F.2d 1323, 1326 (10th Cir. 1988) (holding that a judge is not presumed impartial merely because he previously

worked for a government office unless he was actually involved in the defendant's case). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Elliott A. Sattler, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk