

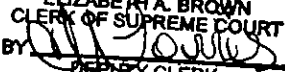
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIUS FRANCIS CHAMBON, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90270-COA

FILED

NOV 12 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Julius Francis Chambon, II, appeals from an order revoking probation. Second Judicial District Court, Washoe County; Lynne K. Jones, Chief Judge.

Chambon argues the district court violated his right to due process by revoking his probation following a final revocation hearing because no preliminary inquiry was held on the probation violation. Chambon did not raise this claim below, and we therefore review for plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, an appellant must show there was an error, the error is plain or clear under current law from a casual inspection of the record, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48.

We conclude Chambon fails to demonstrate plain error affecting his substantial rights. Even assuming a preliminary inquiry was required, the final revocation proceeding complied with constitutional due process requirements: Chambon was represented by counsel, had notice of the

proceedings and the nature of the alleged violations, had a hearing before a neutral and detached hearing body, had the opportunity to present evidence and confront the witnesses against him, and received written findings.¹ See *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 158 (1980). And Chambon does not allege that the final revocation proceeding itself did not satisfy minimum due process. Therefore, we conclude that Chambon is not entitled to relief based on this claim. See generally *Collins v. Turner*, 599 F.2d 657, 658 (5th Cir. 1979) (denying relief for failure to conduct a preliminary inquiry because the final revocation hearing was adequate in all respects); *United States v. Companion*, 545 F.2d 308, 313 (2d Cir. 1976) (same).

Chambon also argues the district court erred by failing to advise him, pursuant to *Cooper v. State*, 134 Nev. 399, 422 P.3d 722 (2018), that he and his son could testify at the probation revocation hearing without having that testimony used against them at subsequent criminal proceedings. In *Cooper*, the Nevada Supreme Court addressed the tension between a probationer's "right to be heard" at a probation revocation hearing and the "right against self-incrimination." *Id.* at 402, 422 P.3d at 726 (quotation marks omitted). The court held that a probationer's revocation hearing testimony "related to separate crimes at issue at the hearing cannot be substantively used in a subsequent criminal proceeding in Nevada except for purposes of impeachment or rebuttal" and that the

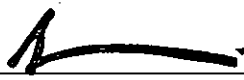
¹Transcribed oral findings ordinarily satisfy the written findings requirement, so long as the oral findings make the basis of the revocation and the evidence relied upon sufficiently clear. See *United States v. Sesma-Hernandez*, 253 F.3d 403, 405-06 (9th Cir. 2001).

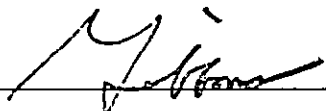
district court should advise the probationer as much. *Id.* at 404-05, 422 P.3d at 727-28.

Initially, *Cooper* did not consider, and thus does not clearly require, an admonishment to the probationer about the use of any other witness's testimony. Rather, *Cooper* adopted a rule to limit the subsequent use of a probationer's testimony at a revocation hearing or evidence derived from such testimony. *Id.* at 404-05, 422 P.3d at 728. Thus, we conclude Chambon has not demonstrated the district court erred by not advising him about the possible use of his son's testimony. As to Chambon himself, he neither testified nor indicated that he intended to testify such that the district court should have advised him pursuant to *Cooper*. *Cf. id.* at 406, 422 P.3d at 729 (acknowledging that Cooper's decision to not testify at the probation hearing "was one based on her desire to preserve her privilege against self-incrimination [because] [s]he clearly acknowledged that she had been advised by counsel not to testify . . . and that she felt she could not go further in defending her actions without risking her right against self-incrimination"). And we disagree that Chambon's unsworn statements declaring his innocence, made following the close of evidence, support the conclusion the district court erred by failing to advise him based on *Cooper*. Chambon's unsworn statements were exculpatory and thus did not implicate the concerns addressed in *Cooper*. For these reasons, we conclude Chambon has not shown the district court erred by not advising Chambon that he could testify at the probation revocation hearing without having that testimony used against him at subsequent criminal proceedings.

Therefore, we conclude Chambon is not entitled to relief based on this claim,
and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Lynne K. Jones, Chief Judge
Richard F. Cornell
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk