


IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90528

FILED

MAY 06 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order revoking probation and amending the judgment of conviction. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

While on probation, Appellant Jason Jackson allegedly battered his girlfriend Angalique Crusan. After the State initiated probation revocation proceedings, Crusan wrote the district court and the State, stating that Jackson had never harmed her and that she was upset and disoriented due to her medical conditions and related medication use when she made statements implicating Jackson. Crusan, however, did not attend the revocation hearing. The district court revoked Jackson's probation and imposed the previously suspended sentence of 24 to 60 months of incarceration.

Jackson appeals, arguing that his due process rights were violated because Crusan was intimidated by her probation officer and dissuaded from serving as a witness. Jackson also argues that the district court improperly admitted hearsay statements from Crusan during the revocation hearing. As a result, Jackson argues that the order revoking probation must be reversed. We disagree and affirm.

*Jackson's rights were not violated due to witness intimidation*

Jackson argues that the State violated his due process right to call witnesses because Crusan was threatened by her probation officer to prevent her from attending Jackson's revocation hearing. *Cf. Rippo v. State*, 113 Nev. 1239, 1251, 946 P.2d 1017, 1025 (1997) (holding that "intimidation [of a defense witness] can warrant" relief "if it results in a denial of the defendant's right to a fair" hearing). "We review de novo constitutional issues such as due process." *Johnston v. Eighth Jud. Dist. Ct.*, 138 Nev. 700, 706, 518 P.3d 94, 101 (2022).

Here, any alleged witness intimidation did not result in the violation of Jackson's right to call Crusan as a witness because Jackson did not attempt to exercise this right. *See Taylor v. Illinois*, 484 U.S. 400, 410 (1988) (observing a defendant's right to call witnesses on his behalf must be exercised with "deliberate planning and affirmative conduct"). Jackson made no effort to subpoena Crusan, call her as a witness during the hearing, or ask for a continuance to secure Crusan's appearance. Because Jackson did not attempt to exercise his right to call Crusan as a witness, the alleged intimidation of Crusan by her probation officer could not result in the denial of Jackson's due process rights. *See Rippo*, 113 Nev. at 1251, 946 P.2d at 1025.

*Hearsay statements from Crusan were properly admitted*

Jackson argues that statements made by Crusan to Officer Anaya were inadmissible hearsay statements and improperly admitted under the excited utterance exception. *See* NRS 51.095. Admission of evidence during a revocation proceeding is reviewed for an abuse of discretion. *See Anaya v. State*, 96 Nev. 119, 125, 606 P.2d 156, 160 (1980).

In the revocation proceedings, the district court heard testimony that while Crusan was at the hospital being treated for injuries,

she made the statements to a police officer. After the officer told Crusan that Jackson battered her, Crusan told the officer that she and Jackson had argued over a cell phone. Crusan told the officer “she couldn’t believe” it and “was very upset about what had happened.” The district court found Crusan’s statements were excited utterances because she was under the stress of the battery and receiving medical attention for her injuries at the time of her statement. *See Medina v. State*, 122 Nev. 346, 351, 143 P.3d 471, 474 (2006) (“An excited utterance is ‘[a] statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.’” (quoting NRS 51.095)). Under the circumstances, we conclude the district court did not abuse its discretion when it found that Crusan’s statements were admissible as excited utterances.

Jackson also argues that admission of Crusan’s statements violated the Confrontation Clause. Jackson failed to raise this objection before the district court, so we review for plain error. *See Flowers v. State*, 136 Nev. 1, 11, 456 P.3d 1037, 1047 (2020).

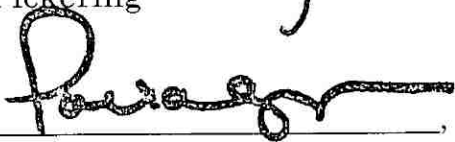
While Crusan’s statements were testimonial, *see Crawford v. Washington*, 541 U.S. 36, 52 (2004), the Sixth Amendment Confrontation Clause applies only to criminal prosecutions, which do not include probation revocation proceedings, *United States v. Hall*, 419 F.3d 980, 985-86 (9th Cir. 2005); *Anaya*, 96 Nev. at 122, 606 P.2d at 157. Because probation proceedings “may very well result in a loss of liberty,” however, probationers have the benefit of “the flexible but fundamental protections of the due process clause of the Fourteenth Amendment.” *Anaya*, 96 Nev. at 122, 606 P.2d at 157. Under these protections, a “probationer’s interest in confronting and cross-examining the primary sources of the information


being used against him is balanced against the very practical difficulty of securing the live testimony of actual witnesses to his alleged violation or to his character while on probation.” *Id.* at 96 Nev. at 123, 606 P.2d at 158. *Id.* A probationer has a stronger interest in questioning a declarant if their statement is used to establish a probation violation. *Id.*

A casual inspection of the record does not indicate plain error. Crusan’s statements were not used to establish Jackson’s probation violation but rather corroborated the testimony of the police officers. This indicates a weaker interest in confronting and cross-examining Crusan than if her statements independently established a probation violation. It also is not clear from the record that Jackson’s interest outweighed the State’s. *See Flowers*, 136 Nev. at 8, 456 P.3d at 1045. Consequently, we cannot say that the district court made a plain error based on “a casual inspection of the record.” *Id.* We conclude that Jackson’s Confrontation Clause argument fails to show plain error and that Crusan’s statements merely corroborated other verified facts that supported the district court’s findings. *See Anaya*, 96 Nev. at 122, 606 P.2d at 157. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Joseph Hardy, Jr., District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk