

United States Court of Appeals
For the Eighth Circuit

No. 18-3708

United States of America

Plaintiff - Appellee

v.

Nicole Marie Gorsline

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: October 14, 2019
Filed: November 19, 2019
[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

While on supervised release for her role in a conspiracy to manufacture methamphetamine, Nicole Gorsline was arrested for forgery. After her probation

officer testified about the arrest, the district court¹ revoked supervised release. We affirm.

On appeal, Gorsline argues that the district court should not have relied on her probation officer's testimony. Her theory is that, once he read from the police report of her forgery arrest, it gave rise to a "limited due process right[]" to confront the report's author. *United States v. Johnson*, 710 F.3d 784, 786 (8th Cir. 2013); see also Fed. R. Crim. P. 32.1(b)(2)(C).

The problem with Gorsline's theory is that she did not invoke this right at the revocation hearing. See *United States v. Simms*, 757 F.3d 728, 733 (8th Cir. 2014) (holding that there is no requirement for a district court to remedy a potential confrontation violation sua sponte at a revocation hearing). To be sure, Gorsline's attorney stated that the probation officer's testimony was "hearsay" and lacked "foundation." But there was no request to question the officer who wrote the report. See *Johnson*, 710 F.3d at 788 (holding that a releasee properly raised confrontation by "object[ing] to a separate constitutional violation of [his] right to cross-examine an adverse witness"). Having never made the request, Gorsline cannot now complain that she was denied the right to confront the report's author. See *Simms*, 757 F.3d at 733.

We accordingly affirm the judgment of the district court.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.