

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARYL STANLEY WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44276

FILED

JUN 29 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count of first-degree kidnapping with the use of a deadly weapon and one count of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge. The district court sentenced appellant Daryl Stanley Wright to serve two consecutive prison terms of 60 months to life for kidnapping and two consecutive prison terms of 36 to 150 months for robbery. The district court imposed the sentence for robbery to run consecutive to the sentence for kidnapping. Wright presents two issues for our review.

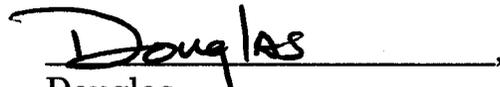
First, Wright contends that the district court erred when it denied his challenge for cause to a prospective juror who was later excused peremptorily. Our review of the record reveals that none of the prospective jurors that Wright challenged for cause were seated on the jury. We conclude that an impartial jury was seated and we decline determination of whether the district court erred in denying Wright's challenge for cause.¹

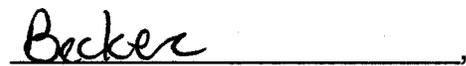
¹See Ross v. Oklahoma, 487 U.S. 81, 88 (1988); Odom v. State, 91 Nev. 473, 538 P.2d 167 (1975).

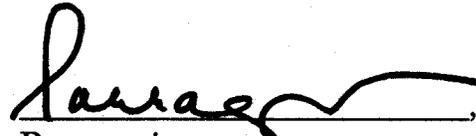
Second, Wright contends that the district court erred when it incorrectly instructed the jury on the defense of insanity. The State concedes that the district court gave an erroneous jury instruction. We agree. However, because no evidence was adduced at trial to indicate that Wright was insane and Wright did not argue that he was insane at the time he committed the charged offenses, we conclude that the erroneous jury instruction constituted a harmless error.²

Having considered Wright's contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Jennifer Togliatti, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See Allred v. State, 120 Nev. 410, 415, 92 P.3d 1246, 1250 (2004), citing Wegner v. State, 116 Nev. 1149, 1155-56, 14 P.3d 25, 30 (2000).