

N THE SUPREME COURT OF THE STATE OF NEVADA

DEBORAH ALINE DOLFI A/K/A
DEBORAH OAKLEY YOST,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 30685

FILED

JUN 05 2002

JANE T. M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of four counts of theft. The district court sentenced appellant Deborah Aline Dolfi to serve two consecutive prison terms of 6 years and two concurrent prison terms of 6 years. Dolfi filed the instant appeal.

Dolfi contends that reversal of her conviction is warranted because the prosecutor committed misconduct. In particular, Dolfi contends that the prosecutor improperly placed bad character evidence before the jury, quantified the reasonable doubt standard, and improperly shifted the burden of proof to Dolfi.

"[A] criminal conviction is not to be lightly overturned on the basis of a prosecutor's comments standing alone, for the statements or conduct must be viewed in context; only by so doing can it be determined whether the prosecutor's conduct affected the fairness of the trial."¹ Claims of prosecutorial misconduct are subject to harmless-error review.²

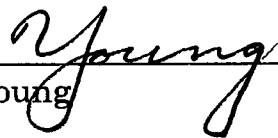
¹United States v. Young, 470 U.S. 1, 11 (1985).

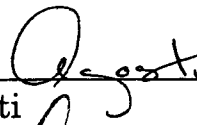
²Greene v. State, 113 Nev. 157, 169, 931 P.2d 54, 62 (1997), modified on other grounds by Byford v. State, 116 Nev. 215, 994 P.2d 700 (2000).

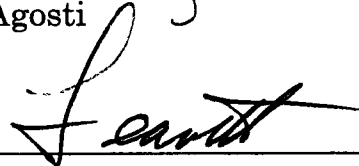
"[T]he relevant inquiry is whether the prosecutor's statements so infected the proceedings with unfairness as to make the results a denial of due process."³ We conclude that although some of the prosecutor's statements were improper, the misconduct did not rise to the level of infecting the proceedings with unfairness as to make the results a denial of due process.

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

ORDER the judgment of conviction affirmed.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Lee A. Gates, District Judge
David M. Schieck
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk

³Id.