

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM L. DUNN A/K/A WILLIAM
LYLE DUNN, JR.,
Appellant.
vs.
THE STATE OF NEVADA,
Respondent.

No. 46291

FILED

MAR 24 2006

JANETTE M. BLUMIN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of robbery. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The district court adjudicated appellant William Dunn a habitual criminal, and sentenced him to a prison term of 60 to 146 months.

Dunn contends that the district court erred by denying his motion to dismiss based on the State's failure to collect a surveillance videotape. Dunn alleged that the videotape would have shown that he did not use force on the victim in an attempt to escape, but rather that he was attacked by a group of men which included the victim. We conclude that Dunn's contention lacks merit.


In Daniels v. State,¹ we held that dismissal of criminal charges may be an available remedy for the State's failure to gather evidence where the evidence was material and the failure to gather the evidence was the result of a bad faith attempt to prejudice the defendant's case.

¹114 Nev. 261, 267-68, 956 P.2d 111, 115 (1998).

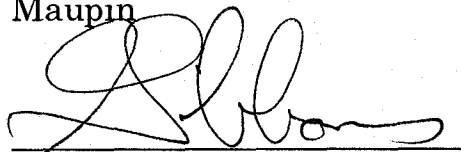
In the instant case, the district court denied the motion to dismiss, finding that Dunn failed to show that the videotape contained material, exculpatory information or that the officers acted in bad faith by not collecting it. We conclude that the district court did not err in so finding.

Having considered appellant's contention and concluded that it is without merit, we

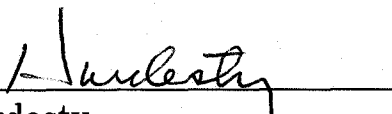
ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
J. Chip Siegel, Chtd.
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk