

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47540

FILED

DEC 11 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count each of battery with the use of a deadly weapon, carrying a concealed weapon, and violation of an extended protection order. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant Anthony Williams to serve three consecutive terms of imprisonment totaling 6 to 17 years.

Williams contends that the district court violated the United States Constitution, Nevada Constitution, and Nevada law when it tentatively concluded that he was not entitled to self-defense jury instructions and thereby forced him to testify as a witness on his own behalf.

Both the Fifth Amendment of the United States Constitution and the Nevada Constitution protect a person from being "compelled in any criminal case to be a witness against himself."¹ In Williams v. Florida,² the Supreme Court discussed the relationship between the

¹U.S. Const. amend. V; Nev. Const. art. 1, § 8.

²399 U.S. 78, 83-84 (1969).

privilege against compelled self-incrimination and a defendant's trial tactics:

The defendant in a criminal trial is frequently forced to testify himself and to call other witnesses in an effort to reduce the risk of conviction. . . . That the defendant faces such a dilemma demanding a choice between complete silence and presenting a defense has never been thought an invasion of the privilege against compelled self-incrimination.

The same reasoning applies here. Williams made a tactical decision to testify on his own behalf based on the district court's tentative denial of his request for self-defense instructions. The district court's ruling may have been erroneous,³ but it did not vitiate Williams' choice to testify or remain silent.⁴ Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

³See Runion v. State, 116 Nev. 1041, 13 P.3d 52 (2000) (discussing self-defense); Harris v. State, 106 Nev. 667, 670, 799 P.2d 1104, 1105-6 (1990) (discussing a defendant's entitlement to a jury instruction on his theory of the case).

⁴See generally Williams, 399 U.S. at 84.

cc: Hon. Donald M. Mosley, District Judge
J. Chip Siegel, Chtd.
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk