

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNIE JONES,
Appellant,
vs.
DELILA REGIS,
Respondent.

No. 47806

FILED

MAR 12 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment entered on a jury verdict in a tort action conducted under the short trial program. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

Appellant Johnnie Jones and respondent Delila Regis were involved in a car accident in Las Vegas. After Regis sued Jones for her injuries, the case proceeded to mandatory arbitration, where the arbitrator found in Regis's favor. Jones requested trial de novo and, at trial, a jury also found in Regis's favor. This appeal followed.

On appeal, Jones challenges a jury instruction pertaining to the arbitrator's award and a statement allegedly made by Regis's counsel during closing arguments. Regis counters that (1) the parties stipulated to the jury instruction in question and (2) her trial attorney did not make the allegedly improper statements. Based on these factual disputes, Regis contends that Jones's failure to provide a trial transcript or an approved statement of the evidence renders appellate review impracticable.

As this court has made clear, "[a]ppellate review is precluded for failure to furnish the prescribed record only when review is dependent upon the evidence or testimony which would have been disclosed in such

transcript or statement.”¹ “When evidence on which a district court’s judgment rests is not properly included in the record on appeal, it is assumed that the record supports the lower court’s findings.”²

Without a complete record, it is impossible for this court to address whether (1) the parties stipulated to the instruction at issue, or (2) Regis’s counsel made any improper remarks during closing arguments. Indeed, the documents available for this court’s review completely fail to provide the text of the parties’ closing arguments at trial.³ Because Jones failed to provide this court with a trial transcript or an approved

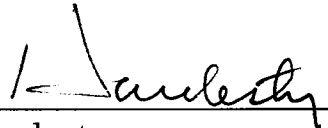
¹Stover v. Las Vegas Int’l Country Club, 95 Nev. 66, 68, 589 P.2d 671, 672 (1979).

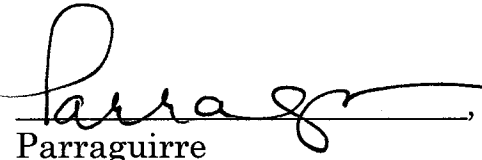
²Id.

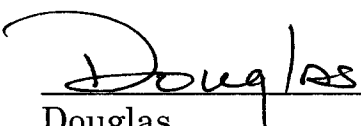
³In his briefs, Jones contends that Regis’s counsel “stated to the jury that the Arbitrator had the same evidence before him as the jury had before it. . . .” However, Jones fails to cite to any portion of the record that demonstrates this statement. Thus, we cannot independently verify its accuracy.

statement of the evidence, we conclude that appellate review is impossible.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jennifer Togliatti, District Judge
William F. Buchanan, Settlement Judge
Ronald M. Pehr
Michael E. Rowe
Tingey & Tingey
Eighth District Court Clerk

⁴Stover, 95 Nev. at 68, 589 P.2d at 672; Bates v. Chronister, 100 Nev. 675, 679, 691 P.2d 865, 869 (1984).