

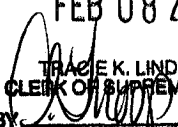
IN THE SUPREME COURT OF THE STATE OF NEVADA

WARITH DEEN ABDULLAH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49374

FILED

FEB 08 2008

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of two counts of burglary while in the possession of a deadly weapon and three counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; David Wall, Judge. The district court sentenced Warith Deen Abdullah to serve various consecutive and concurrent terms of imprisonment totaling 16 to 40 years. The district court imposed the sentence to run consecutively to the sentences that Abdullah received in two California cases.

Abdullah's sole contention on appeal is that the district court violated his Sixth Amendment right to confront and cross-examine witnesses against him. Abdullah specifically claims that he was denied the opportunity to cross-examine the State's latent fingerprint expert on the standard for making latent fingerprint identifications.

The Sixth Amendment of the United States Constitution guarantees a criminal defendant the right to confront the witnesses against him including the opportunity to cross-examine such witnesses.¹

¹Delaware v. Van Arsdall, 475 U.S. 673, 678 (1986).

The district court has discretion to limit the scope of cross-examination if "sufficient cross-examination has been permitted to satisfy the [S]ixth [A]mendment."² Rulings on the admissibility of evidence are left to the sound discretion of the district court and will not be disturbed on appeal absent a showing of manifest error.³

Here, on cross-examination, Abdullah asked latent fingerprint examiner Joel Geller who employed him. On redirect-examination, the prosecutor asked Geller if he only provided analyses for the Las Vegas Metropolitan Police Department. Geller stated that he provided analyses for any agency that has been approved to submit evidence to the laboratory for examination and that these agencies included the Federal Bureau of Investigation, the Henderson Police Department, and the United States Postal Service. On recross-examination, Abdullah asked if "it's safe to say that in the United States of America there's no uniform standard for latent print identifications, is there?" The prosecutor objected to this question as being outside the scope of redirect-examination and the district court sustained the prosecutor's objection.

Based on these facts, we conclude that the district court did not abuse its discretion by limiting the recross-examination and that

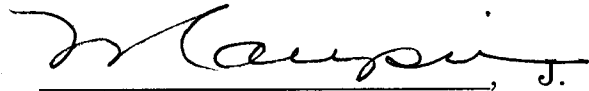
²Crew v. State, 100 Nev. 38, 45, 675 P.2d 986, 990 (1984); see also NRS 50.115(2) ("Cross-examination is limited to the subject matter of the direct examination and matters affecting the credibility of the witness, unless the judge in the exercise of discretion permits inquiry into additional matters as if on direct examination.").

³See Azbill v. State, 88 Nev. 240, 246, 495 P.2d 1064, 1068 (1972).

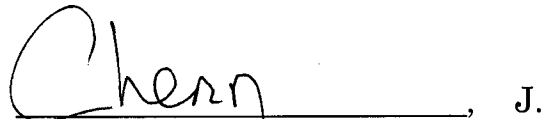
Abdullah's recross-examination question was beyond the scope of the redirect-examination.⁴

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

ORDER the judgment of conviction AFFIRMED.



Maupin



Cherry



Saitta

cc: Hon. David Wall, District Judge
Gregory L. Denué
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

⁴See Bridges v. State, 116 Nev. 752, 760-61, 6 P.3d 1000, 1006-07 (2000).