IN THE SUPREME COURT OF THE STATE OF NEVADA

FORREST ADAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49977

FILED

MAR 28 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY U. Alvarado
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of living from the earnings of a prostitute and possession of a firearm by an ex-felon. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Forrest Adams to serve two concurrent prison terms of 18 to 48 months.

Adams contends that the district court erred in admitting evidence of a firearm during the first half of the bifurcated proceedings because the evidence was "irrelevant, prejudicial, and constituted inadmissible character evidence." Specifically, Adams contends that testimony regarding the location of the gun, evidence that Adams' fingerprints were found on the gun's magazine, and testimony that the gun had recently been stolen, resulted in confusion for the jury and portrayed Adams as a dangerous, armed criminal.

Initially, we note that Adams did not object to the admission of the firearm evidence and, in fact, agreed to have its admission in the first half of the proceedings because it was "beneficial" in terms of witness and juror convenience to have the witnesses testify only once. Failure to

raise an objection in the district court generally precludes appellate consideration of an issue absent plain error affecting substantial rights.[1] Generally, an appellant must show that he was prejudiced by a particular error in order to prove that it affected his substantial rights.[2]

Having reviewed the record on appeal, we are not persuaded that Adams' assignment of error either constitutes plain or constitutional error.[3] There was convincing evidence in support of Adams' conviction for living from the earnings of a prostitute. In particular, Adams' girlfriend testified that she gave her money that she earned while working in prostitution to Adams, and thus, Adams cannot demonstrate that admission of the gun evidence affected his substantial rights.

Adams next contends that the district court erred in admitting expert testimony of Donald Fieslman regarding "pimp culture" because it was "irrelevant, prejudicial, and constituted inadmissible character evidence." Specifically, Adams claims that the testimony about the behavior of pimps and prostitutes did not tend to make "any material issue more or less likely" and operated to characterize Adams as a person of bad character.

NRS 50.275 governs the admissibility of expert witness testimony.[4] The decision to admit or exclude expert testimony lies within

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[1]See Gallego v. State, 117 Nev. 348, 365, 23 P.3d 227, 239 (2001).

[2]Id.

[3]See generally Brown v. State, 114 Nev. 1118, 1125-26, 967 P.2d 1126, 1131(1998).

[4]NRS 50.275 states:

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the sound discretion of the district court and will not be disturbed absent a clear abuse of discretion.[5]

We again note that Adams did not object to the admission of the expert witness testimony, and therefore, we review for plain or constitutional error.[6] The testimony of the expert in this case was relevant to the charge of pandering.[7] We conclude that no plain error occurred.

In a related argument, Adams contends that the prosecutor committed misconduct by eliciting testimony from Fieselman as to whether Adams' girlfriend's roommates engaged in pandering. Adams contends that, through the process of elimination, the questions resulted in the jury concluding that he was a panderer. Again, Adams did not object to the alleged misconduct, and therefore, we review for plain or constitutional error.[8]

. . . *continued*

> If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by special knowledge, skill, experience, training or education may testify to matters within the scope of such knowledge.

[5]Sampson v. State, 212 Nev. 820, 927, 122 P.3d 1255, 1259 (2005); see also Brown v. State, 110 Nev. 846, 852, 877 P.2d 1071, 1075 (1994).

[6]See Gallego, 117 Nev. at 365, 23 P.3d at 239.

[7]NRS 48.025. The jury acquitted Adams of the charge of pandering.

[8]See Gallego, 117 Nev. at 365, 23 P.3d at 239.

Where the complaining party first questions a witness regarding otherwise inadmissible testimony, that party is barred from preventing the testimony's admission under the open door doctrine.[9] The doctrine provides that the introduction of inadmissible evidence by one party allows the other party, in the court's discretion, to introduce evidence on the same issue.[10]

Here, Adams first questioned several witnesses about the possibility that his girlfriend's roommates might be pandering. Therefore, Adams opened the door to the prosecution's inquiry regarding whether his girlfriend's roommates were engaging in pandering. Accordingly, we conclude that the prosecutor did not commit misconduct, and we conclude that Adams has failed to demonstrate plain or constitutional error.

Having considered Adams' contentions and concluded that they have no merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Hardesty

_____, J.
Parraguirre

_____, J.
Douglas

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[9]See Taylor v. State, 109 Nev. 849, 851, 858 P.2d 843, 845 (1993).

[10]United States v. Whitworth, 856 F.2d 1268, 1285 (9th Cir. 1988).

cc: Hon. Stewart L. Bell, District Judge
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Eighth District Court Clerk