IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS MANUEL REYES-MARQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52973

FILED

MAR 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury trial, of three counts of lewdness with a child under 14 years of age, one count of attempted lewdness with a child under 14 years of age and two counts of sexual assault of a child. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. Appellant raises three issues on appeal.

First, appellant claims that the district court erred by denying his motion for mistrial when two victim-witnesses mentioned other possible acts of abuse while testifying. We disagree. In this case, the district court found that the witnesses, age 11 and 12, made spontaneous statements about "all the other times," and that appellant "would do it every time I went over," in response to extensive questioning of their recollections. In each instance, the district court instructed the jury that such references were inadmissible for any purpose and were to be disregarded. Any prejudice to appellant caused by these utterances was adequately cured by the district court, see Carter v. State, 121 Nev. 759, 770, 121 P.3d 592, 599 (2005), and therefore the district court did not abuse its discretion in denying appellant's motion for mistrial. See Randolph v. State, 117 Nev. 970, 981, 36 P.3d 424, 431 (2001).

Appellant next claims that the district court erred when it rejected a proposed jury instruction. Appellant's rejected instruction was identical to the district court's, except that the former required the jury to find that the offenses were committed in the time frame alleged in the information. The district court's instruction was a correct statement of the law: in child sexual abuse cases, there is no requirement that the jury confine its verdict to the precise dates in the information as long as appellant is on sufficient notice of the general timeframe. See Martinez v. State, 77 Nev. 184, 189-90, 360 P.2d 836, 838-39 (1961); see also Wilson v. State, 121 Nev. 345, 369, 114 P.3d 285, 301 (2005). Therefore, the district court did not abuse its discretion in rejecting appellant's proposed instruction. See Rose v. State, 123 Nev. 194, 204-05, 163 P.3d 408, 415 (2007).

Lastly, appellant asks us to find error in the sentence imposed by the district court. We find none. Appellant was convicted of six sex acts on a child and sentenced to consecutive terms. Such a sentence is permitted by statute and is not constitutionally excessive in light of the crimes of which he was convicted. See Chavez v. State, 125 Nev. ___, ___, 213 P.3d 476, 489-90 (2009); NRS 176.035(1).

Having considered appellant's claims and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Hardesty

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk