

IN THE SUPREME COURT OF THE STATE OF NEVADA


LEE ALVIN VINCENT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53288

FILED

FEB 03 2010

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Valerie Adair, Judge. Appellant was sentenced to serve two consecutive terms of life in prison with the possibility of parole. Appellant raises two issues on appeal.


First, appellant contends that the district court erred by refusing to sever his trial from that of his codefendant on the grounds that his codefendant made inculpatory statements against him to the police, the defendants' defenses were antagonistic, and he was prejudiced by "spillover" effect and the disparity in the amount of evidence against each defendant. However, the codefendant's police statement was not admitted into evidence and appellant fails to adequately explain his remaining grounds or any resulting prejudice. Appellant also argues that joinder allowed the State and his codefendant to focus responsibility for the murder on him and that the cumulative effect of this circumstance caused undue prejudice. However, appellant's arguments do not show that any trial right was compromised or that the jury was prevented from making a reliable judgment as to guilt or innocence. See Chartier v. State, 124 Nev. ___, ___, 191 P.3d 1182, 1185 (2008); Marshall v. State, 118 Nev. 642, 648,

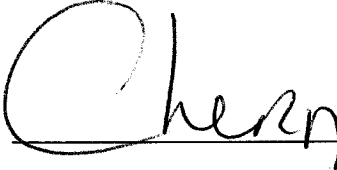
56 P.3d 376, 379 (2002). Because we conclude that appellant failed to demonstrate that the district court abused its discretion in this regard, we deny relief. Marshall, 116 Nev. at 647-48, 56 P.3d at 379.

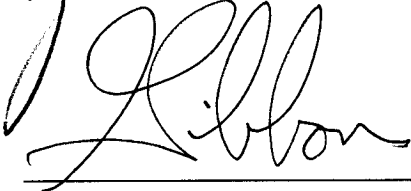
Second, appellant argues that the district court erred by denying his motion for new trial based on the same grounds identified above and due to a juror's contact with his codefendant after trial. As explained above, appellant fails to show that joinder was improper. As to juror misconduct, the district court denied appellant's motion because the juror's contact with appellant's codefendant occurred after the jury rendered its verdict. Accordingly, we conclude that the district court did not abuse its discretion in this regard. See Domingues v. State, 112 Nev. 683, 695, 917 P.2d 1364, 1373 (1996) (providing that a district court's decision on a motion for new trial "will not be disturbed on appeal absent palpable abuse").

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Law Offices of James Hartsell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk