

IN THE SUPREME COURT OF THE STATE OF NEVADA


RONALD ROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53882

**FILED**

DEC 10 2010

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of burglary, two counts of conspiracy to commit larceny from the person, two counts of larceny from a person over 60 years of age, and two counts of grand larceny. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge. Appellant Ronald Ross raises three issues.

First, Ross argues that his due process rights were violated when the district court denied his motion to dismiss the indictment against him because of various defects in the grand jury proceedings. Specifically, he claims that his convictions should be reversed because: (1) he did not receive proper notice of the proceedings; (2) the State violated the best evidence rule by not showing the grand jury a video about which several witnesses testified; and (3) the grand jury heard a spontaneous statement about Ross' reputation as a pickpocket that an admonition could not cure. The record reflects that Ross was notified on March 16, 2006, that the grand jury would be available to hear his testimony on March 30, but that Ross did not appear. Moreover, even if Ross could establish that any of these defects in the grand jury proceedings was error, an intervening guilty verdict by a petit jury rendered the error harmless as a matter of law, see U.S. v. Mechanik, 475 U.S. 66, 70 (1986); Hill v.

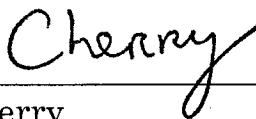
State, 124 Nev. 546, 552, 188 P.3d 51, 54-55 (2008), and we therefore conclude that Ross' convictions should not be reversed on that basis. Finally, Ross' assertion that the State violated NRS 174.085 by seeking an indictment while Ross was charged with the same crimes under an information is without merit. See Thompson v. State, 125 Nev. \_\_\_, \_\_\_, 221 P.3d 708, 711 (2009).

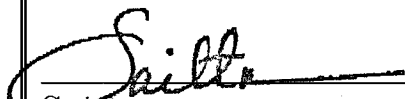
Second, Ross argues that the district court committed reversible error when it allowed a detective to testify about "distract crimes" without having been noticed as an expert under NRS 174.234(2). We disagree. Because Ross did not object to the detective's testimony on this basis and has failed to articulate how notice of this purportedly expert testimony would have changed the course of his trial, we conclude that he has failed to demonstrate plain error by showing that his substantial rights were prejudiced. See Grey v. State, 124 Nev. 110, 117, 178 P.3d 154, 159 (2008).


Third, Ross asserts that his convictions must be reversed because witnesses were allowed to refer to Ross by his name. We conclude that this testimony—to which Ross also failed to object—was not error, much less plain error. See id.

Having considered Ross' claims and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Douglas W. Herndon, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Eighth District Court Clerk