

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS MURRAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34886

FILED

NOV 19 1999

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of battery with intent to commit a crime. The district court sentenced appellant to twenty-four (24) to seventy-two (72) months in prison, with credit for time served in the amount of three hundred twenty-five (325) days.

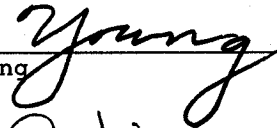
Appellant's sole contention is that the victim's testimony that he suffered a "concussion" was inadmissible evidence because it is medical diagnosis offered by a layperson. However, as the state points out, the victim's medical condition is not an element of the offense of battery with intent to commit a crime. See NRS 200.400(1). Moreover, appellant has failed to establish how he was unduly prejudiced by the victim's testimony; he merely alleges that it was inadmissible. In light of the overwhelming evidence of appellant's guilt with regard to the elements of battery, we conclude the error, if any, was harmless. See Turner v. State,

99-11525

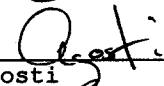
98 Nev. 243, 246, 645 P.2d 971, 972 (1982). Therefore, appellant's argument is without merit.

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

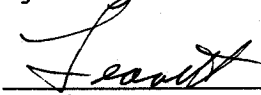
ORDER this appeal dismissed.



Young J.



Agosti J.



Leavitt J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk