

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD MICHAEL FORSBERG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54223

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

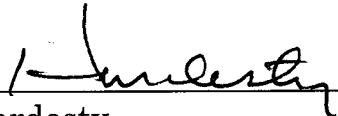
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

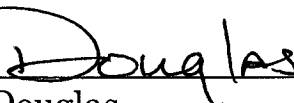
Appellant Todd Forsberg claims that the State failed to present sufficient evidence to corroborate the testimony of Karl Czekus—an individual Forsberg asserts on appeal is an accomplice. Forsberg, however, failed to raise this claim in the district court by requesting an appropriate jury instruction, and our consideration of it is precluded unless such an instruction was “so necessary that the failure to give it was ‘patently prejudicial.’” Globensky v. State, 96 Nev. 113, 117, 605 P.2d 215, 218 (1980) (quoting Gebert v. State, 85 Nev. 331, 333-34, 454 P.2d 897, 898-99 (1969)). We note, however, that the other evidence adduced at trial—including four witnesses who related Forsberg’s statements that he had “made [the victim] disappear” and had “taken care” of him—was sufficiently corroborative of Czekus’ testimony to satisfy NRS 175.291(1) even if Czekus had been treated as an accomplice. See Evans v. State, 113 Nev. 885, 891-92, 944 P.2d 253, 257 (1997) (discussing the standard for corroborating evidence); Orfield v. State, 105 Nev. 107, 108-09, 771 P.2d

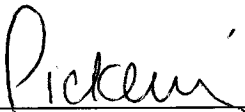
148, 149 (1989) (explaining which witnesses may properly be considered accomplices). We therefore discern no prejudice.

Having considered Forsberg's claim and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk