

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,
Appellant,
vs.
THE STATE OF NEVADA AND
WARDEN E.K. MCDANIEL,
Respondents.

No. 54989

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

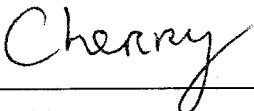
ORDER OF AFFIRMANCE

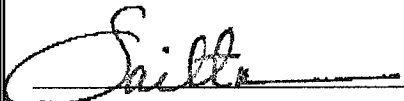
This is a proper person appeal from a post-judgment order denying a motion for a new trial after a district court judgment on a jury verdict in a tort action. First Judicial District Court, Carson City; James E. Wilson, Judge.


“The decision to grant or deny a motion for a new trial rests within the sound discretion of the trial court, and this court will not disturb that decision absent palpable abuse.” Edwards Indus. v. DTE/BTE, Inc., 112 Nev. 1025, 1036, 923 P.2d 569, 576 (1996). Having reviewed the record and appellant’s proper person appeal statement, we conclude that the district court did not abuse its discretion in denying appellant’s motion for a new trial, which was based on numerous allegations: discovery abuses, allowing plaintiff’s medical witness to testify out of order, interruption of the medical witness’s testimony, improper admission of evidence regarding security concerns, failure to timely provide respondents’ trial statement, improper jury instructions, a flawed verdict form, jury misconduct, verdict that was against the weight of the evidence, and attorney misconduct. Appellant’s claims in support of his motion for a new trial are largely without merit and fail to show (1)

irregularity in the court's proceedings or orders or abuse of discretion by the trial judge that prevented a fair trial, (2) jury or attorney misconduct, (3) accident or surprise that appellant could have avoided, (4) manifest disregard by the jury of the court's instructions, or (5) error in law occurring at trial. NRCP 59(a)(1)-(3), (5), and (7). Nor has appellant demonstrated that his substantial rights were affected by any such improper acts. NRCP 59(a).¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Christopher Anthony Jones
Attorney General/Carson City
Carson City Clerk

¹Having considered appellant's remaining arguments on appeal, we conclude that they lack merit.