

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS R. MORALES A/K/A THOMAS
MORALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55134

FILED

JUL 19 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 possession of a stolen vehicle and stop required on the signal of a police officer. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.


Appellant Thomas Morales contends that the district court erred by denying his motion in limine to introduce prior bad acts of the victim because they were admissible under NRS 48.045(2) to demonstrate the victim's motive, intent, and pattern of stealing car keys and vehicles, as well as a lack of mistake or accident. We review the district court's determination regarding the admissibility of prior bad act evidence for an abuse of discretion. See Crawford v. State, 107 Nev. 345, 348, 811 P.2d 67, 69 (1991). The district court held a hearing on the matter and determined that the evidence was not relevant to Morales' knowledge of whether the vehicle was stolen, was not proven by clear and convincing evidence, and its probative value was outweighed by its prejudicial effect. See NRS 48.045(2) (evidence of prior bad acts is not admissible to prove character and conformity therewith); Mortensen v. State, 115 Nev. 273, 279-80, 986

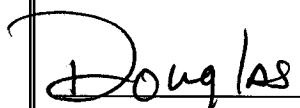
P.2d 1105, 1109-10 (1999) (NRS 48.045(2) is applicable to all witnesses); Tinch v. State, 113 Nev. 1170, 1176, 946 P.2d 1061, 1064-65 (1997). We conclude that Morales has failed to demonstrate that the district court abused its discretion.


Morales also contends that the district court unreasonably restricted voir dire examination when it prevented his counsel from asking a juror “what type of situation would cause [her] to give in to the convictions of the” other jurors. Morales did not object to the ruling, and we conclude that Morales has failed to demonstrate plain error. See Leonard v. State, 117 Nev. 53, 65, 17 P.3d 397, 405 (2001). The district court’s ruling was not plainly wrong. See Witter v. State, 112 Nev. 908, 914, 921 P.2d 886, 891 (1996) (the purpose of jury voir dire is to discover whether a juror can impartially determine the facts and apply the law as instructed), overruled on other grounds by Byford v. State, 116 Nev. 215, 248 n.11, 994 P.2d 700, 722 n.11 (2000). Moreover, the juror being questioned was not seated on the jury, and Morales does not allege that any jurors who were actually seated “were not fair and impartial.” See Weber v. State, 121 Nev. 554, 581, 119 P.3d 107, 125-26 (2005).

Having considered Morales’ contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Abbi Silver, District Judge
Christiansen Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk