

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA DAVID WIGGINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55605

**FILED**

SEP 10 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 entered pursuant to a jury verdict of one count of attempted lewdness with a child under the age of 14 and one count of luring children or mentally ill persons.<sup>1</sup> Eighth Judicial District Court, Clark County; Michael Villani, Judge.

On appeal, appellant Joshua David Wiggins contends that the State committed prosecutorial misconduct during its rebuttal closing argument when it referred to his behavior during the commission of the crime as predatory. We conclude that the prosecutor's comment was not improper because it was supported by the evidence and was made in direct rebuttal to specific assertions made by defense counsel during Wiggins'

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<sup>1</sup>We note that the judgment of conviction incorrectly states that the conviction is pursuant to a guilty plea. Following this court's issuance of the remittitur, the district court shall enter a corrected judgment of conviction. See NRS 176.565; Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994).

own closing argument that Wiggins' interaction with the victim was cordial and "gentlemanly." See Miller v. State, 121 Nev. 92, 110 P.3d 53, 58-59 (2005). We further conclude that there was no prejudice because the district court sustained Wiggins' objection to the comment and the evidence of Wiggins' guilt was overwhelming. See Valdez v. State, 124 Nev. 1172, 1191-92, 196 P.3d 465, 478-79 (2008); King v. State, 116 Nev. 349, 356, 998 P.2d 1172, 1176 (2000). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Michael Villani, District Judge  
Anthony M. Goldstein  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk