

IN THE SUPREME COURT OF THE STATE OF NEVADA

TROILSE ROCHELLE DAY A/K/A
TRALICE ROCHELLE DAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55829

FILED

SEP 29 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 battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


First, appellant Troilse Rochelle Day contends that the prosecutor committed misconduct prior to trial by interrupting a conversation with counsel and threatening to rescind a plea offer; as a result, she claims that she was coerced into proceeding to trial. Day did not object, file a motion, or request any relief or ruling from the district court and we conclude that she has failed to demonstrate reversible plain error. See Valdez v. State, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008) (challenges to unobjected-to prosecutorial misconduct are reviewed for plain error); Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003) (when reviewing for plain error, “the burden is on the defendant to show actual prejudice or a miscarriage of justice”); see also NRS 178.602.

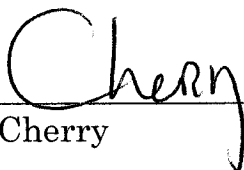
Second, Day contends that the district court erred by excluding evidence of subsequent hostile interactions between herself and the victim which undercut her theory of self-defense. “We review a district

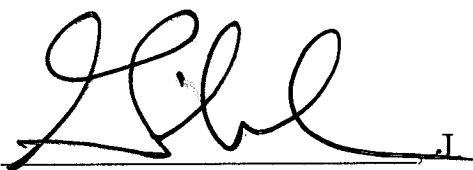
court's decision to admit or exclude evidence for an abuse of discretion." Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). The district court found that the interactions subsequent to the incident leading to Day's arrest in the instant case were irrelevant and inadmissible. See Daniel v. State, 119 Nev. 498, 515-16, 78 P.3d 890, 902 (2003); see also NRS 48.015; NRS 48.025(2). We agree and conclude that the district court did not abuse its discretion by excluding the evidence.

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
Law Office of Betsy Allen