

IN THE SUPREME COURT OF THE STATE OF NEVADA

FARELL VICTOR A/K/A TRAMAYNE
VICTOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56096

FILED

MAR 17 2011

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


ORDER OF AFFIRMANCE

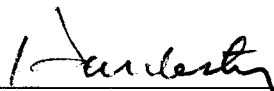
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of possession of a controlled substance with the intent to sell, trafficking in a controlled substance, and two counts of transporting a controlled substance. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

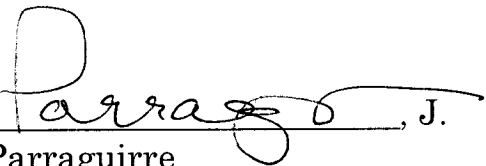
Appellant Farrell Victor contends that the district court erred by allowing the admission of prior bad act evidence, specifically, the confidential informant's implication during the State's redirect examination that Victor was "on the streets" dealing drugs. We review a district court's decision to admit or exclude evidence for an abuse of discretion. Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). Here, Victor based his initial objection on speculation and hearsay grounds and was overruled by the district court. Victor later moved for a mistrial and argued that the testimony was improper bad act evidence. The district court found that the witness' statement did not reference a prior bad act but merely indicated an assumption that Victor was selling drugs and "[t]here's nothing more to it than that." The district court also found that the statement was admissible for res gestae purposes and proper considering Victor's line of questioning on cross-examination.

We conclude that the district court did not abuse its discretion by allowing the admission of the evidence because Victor opened the door to the challenged line of questioning. See Rippo v. State, 113 Nev. 1239, 1253, 946 P.2d 1017, 1026 (1997) (“Where counsel opens the door to the disputed questions . . . opposing counsel may properly question the witness in order to rehabilitate him or her.”); see also Pearson v. Pearson, 110 Nev. 293, 297, 871 P.2d 343, 345 (1994) (“The doctrine of ‘invited error’ embodies the principle that a party will not be heard to complain on appeal of errors which he himself induced or provoked . . . the opposite party to commit.”). Therefore, we also conclude that the district court did not abuse its discretion by denying Victor’s motion for a mistrial. McKenna v. State, 114 Nev. 1044, 1055, 968 P.2d 739, 746 (1998). Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

¹Although we filed the appendix submitted by Victor, it fails to comply with the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2)(C); NRAP 30(b)(2). The appendix contains only the rough draft transcript of the jury trial and none of the required documents. Counsel for Victor is cautioned that future failure to comply with the appendix requirements may result in the imposition of sanctions. NRAP 3C(n).

cc: Hon. Douglas W. Herndon, District Judge
The LaVergne Law Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk