

IN THE SUPREME COURT OF THE STATE OF NEVADA

LON VICTOR POST,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56689

FILED

MAR 17 2011

ORDER OF AFFIRMANCE

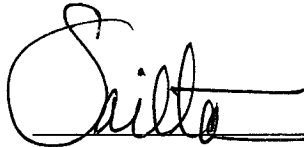
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Meyer*
DEPUTY CLERK


This is an appeal from a judgment of conviction entered pursuant to a jury verdict of felony driving under the influence. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

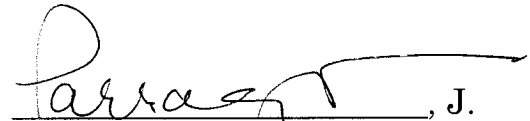
Appellant Lon Victor Post contends that the district court abused its discretion by admitting the blood alcohol test result into evidence because the State failed to establish a reasonable chain of custody for the blood sample that was tested. "We review a district court's decision to admit or exclude evidence for an abuse of discretion." Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). A proper chain of custody is established when "it is reasonably certain that no tampering or substitution took place, and the doubt, if any, goes to the weight of the evidence." Sorce v. State, 88 Nev. 350, 352-53, 497 P.2d 902, 903 (1972). Here, the State established a reasonable chain of custody and nothing in the record suggests that the blood sample was tampered with or substituted. Accordingly, the district court did not abuse its discretion by

admitting this evidence, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk