

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDY MAURICE BRIDGES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56736

FILED

JUL 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. W. [Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of sexual assault, first-degree kidnapping, unlawful giving away of a controlled substance, and possession of a controlled substance. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

After a jury found appellant Randy Bridges guilty of the above crimes in 1989, Bridges fled the country prior to being sentenced and was not apprehended until 2010. Before sentencing, Bridges learned that there were no remaining transcripts or notes from his jury trial. Bridges stated that he was prepared to proceed with sentencing but moved for a hearing to determine whether the reason that the transcripts were missing had anything to do with Bridges' 22-year flight from justice. The district court found that the court reporter complied with NRS 656.335 (requiring reporter to retain notes for 8 years) and that there was no suggestion that the transcript was destroyed in bad faith, and therefore denied his motion, concluding that the lack of transcripts can only be ascribed to Bridges' actions in leaving the jurisdiction. Bridges declined to file a motion for a new trial and proceeded with sentencing.

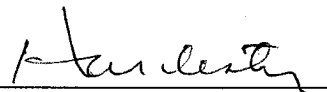
On appeal, Bridges contends that the district court erred and requests this court remand his case for a hearing to determine the reason

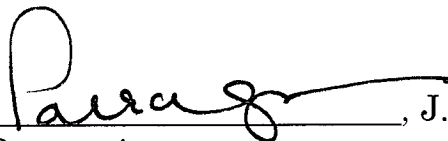
for the missing transcripts, a result he asserts is mandated by Bellows v. State, 110 Nev. 289, 871 P.2d 340 (1994). However, Bellows delineated factors that the district court should consider when a formerly-fugitive defendant requests a new trial because of lost trial transcripts. 110 Nev. at 293, 871 P.2d at 343. Bridges did not move for a new trial. Additionally, it is unclear what a remand for a hearing would accomplish when Bridges proffered the court reporters' statements that the transcripts were most likely, though not certainly, destroyed in the normal course of record-keeping—a result that would not have occurred if Bridges had not chosen to remain a fugitive for 22 years.

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Patrick Flanagan, District Judge
Kenneth A. Stover
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk