

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN RODERICK PARKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56904

FILED

JUN 08 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 entered pursuant to a jury verdict of battery constituting domestic violence, carrying a concealed firearm, possession of stolen property, and second-degree kidnapping. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

Sufficiency of the evidence

Appellant Sean Roderick Parker contends that insufficient evidence supports his conviction for possession of stolen property because the State failed to present any evidence that he knew or should have known that the handgun was stolen. We review the evidence in the light most favorable to the prosecution and determine whether any rational juror could have found the essential elements of the crime beyond a reasonable doubt. McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Here, the jury heard testimony that Parker asked a co-worker where he could find a “throwaway gun,” purchased the handgun from an “unknown Mexican guy,” and did not contact the police to register the handgun or determine whether it had been stolen. We conclude that a

rational juror could infer from these circumstances that a reasonable person would have known that the handgun was stolen. See NRS 205.275(1)(b). It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003) (circumstantial evidence alone may sustain a conviction).

Motion to strike

Parker contends that the district court abused its discretion by refusing to strike testimony. "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). After eliciting testimony from Detective Robert Schmitt that a handgun must be registered within 48 hours of its purchase, defense counsel asked the following hypothetical question:

[L]et's assume that Mr. Parker had not been arrested with regard to this domestic violence and forcing his wife into the car. If he had been encountered by a police officer with having an unregistered handgun but it was still within 48 hours of purchase, it [sic] wouldn't be charged with a crime; would he?

Detective Schmitt answered, "Well he would have been, yes," whereupon defense counsel moved to strike the answer, arguing that it inferred that Parker had a prior felony conviction. The district court noted that defense counsel opened the door to the answer, determined that the answer did not subtly indicate that Parker had a prior felony conviction, and declined

to draw attention to the matter by ordering the answer stricken. We conclude that the district court did not abuse its discretion by denying Parker's motion to strike this testimony. Cf., Milligan v. State, 101 Nev. 627, 637, 708 P.2d 289, 295-96 (1985) (error invited by defendant "cannot be asserted as grounds for reversal").

Confrontation right

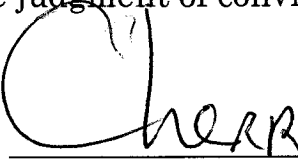
Parker contends that the district court violated his Sixth Amendment right to confront his accusers by limiting his cross-examination of the victim. Parker claims that the district court's rulings prevented him from impeaching the victim's credibility. Our review of the transcript reveals that the district court's limitations on Parker's cross-examination did not infringe upon his confrontation rights, see Chavez v. State, 125 Nev. ___, ___, 213 P.3d 476, 484 (2009) (a district court's evidentiary decisions are generally reviewed for abuse of discretion, but claims alleging Confrontation Clause violations are reviewed de novo), and we conclude that the district court did not abuse its discretion by limiting Parker's cross-examination, see generally Lobato v. State, 120 Nev. 512, 520, 96 P.3d 765, 771 (2004) (district courts have wide discretion to limit cross-examination that attacks a witness's general credibility).

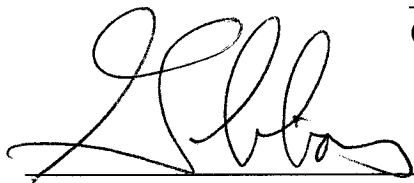
Cumulative error


Parker contends that cumulative errors deprived him of a fair trial. Parker asserts that the errors include the manner in which the alternate jurors were selected, unrecorded conversations with the marshal, an unrecorded bench conference, and failure to review the jury questions on the record. Parker failed to preserve these additional errors for appeal, see Sterling v. State, 108 Nev. 391, 394, 834 P.2d 400, 402

(1992), and he has not supported these claims of error with relevant authority and cogent argument, see Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Therefore, we decline to address these claims.

We conclude that no relief is warranted, and we
ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Doug Smith, District Judge
Jonathan E. MacArthur
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk