

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DESHAWN TELLIS A/K/A
MICHAEL TELLIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57711

FILED

NOV 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Alingesa*
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 and possession of stolen property. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

First, appellant Michael Deshawn Tellis contends that the district court violated his right to due process, equal protection, a fair and public trial, freedom of the press, and adequate review of his conviction by failing to record five bench conferences. Tellis, however, failed to object below or request that the conferences be recorded. See NRS 178.602. Moreover, Tellis provides no authority in support of his contention, see generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987), and fails to explain with any factual specificity how he was prejudiced, see Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003) (reviewing for plain error, “the burden is on the defendant to show actual prejudice or a miscarriage of justice”), or identify any issue we are unable to

meaningfully review, see Archanian v. State, 122 Nev. 1019, 1033, 145 P.3d 1008, 1019 (2006) (defendant “must show that the subject matter of the omitted portions of the record was so significant that this court cannot meaningfully review his claims of error”). Therefore, we conclude that Tellis cannot demonstrate reversible plain error.

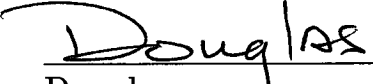
Second, Tellis contends that the district court violated his right to due process and equal protection by failing to provide the jury with “the full statutory admonishment” prior to adjournment on four occasions. See NRS 175.401. Without citation to any relevant authority in support of his contention, Tellis claims that such “structural error” requires no demonstration of prejudice. Initially, we note that Tellis failed to object or notify the district court about any juror misconduct. See NRS 178.602; Green, 119 Nev. at 545, 80 P.3d at 95. Moreover, in Blake v. State, 121 Nev. 779, 798, 121 P.3d 567, 579 (2005), we found that in the absence of any evidence of prejudice, the district court’s failure to fully admonish the jury on six occasions did not entitle the defendant to relief. Here, although the district court erred by not fully admonishing the jury as required on three occasions, Tellis fails to allege, let alone demonstrate, that he was prejudiced by the district court’s omissions. Therefore, we conclude that Tellis is not entitled to the reversal of his conviction.

Third, Tellis contends that cumulative error deprived him of a fair trial and requires the reversal of his conviction. Balancing the relevant factors, we conclude that Tellis’ contention is without merit. See


Valdez v. State, 124 Nev. 1172, 1195, 196 P.3d 465, 481 (2008).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

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

¹Although we filed the fast track statement submitted by Tellis, it fails to comply with the Nevada Rules of Appellate Procedure. The procedural history and statement of facts sections refer to matters in the record without specific citation to the appendix, see NRAP 3C(e)(1)(C); NRAP 28(e)(1). Counsel for Tellis is cautioned that the failure to comply with the briefing requirements may result in the fast track statement being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).