

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59137

**FILED**

JUL 26 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Malow  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of four counts of obtaining money under false pretenses from a victim 60 years of age or older, three counts of burglary, and one count each of possession of a credit or debit card without the cardholder's consent and attempt to obtain money under false pretenses. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

First, appellant Rick Shawn contends that the district court violated his right to a fair trial by granting the State's motion to admit evidence of other crimes. Shawn claims testimony that he defrauded another elderly victim and was the subject of an ongoing investigation amounted to improper character/propensity evidence. We disagree.

"A district court's decision to admit or exclude evidence of prior bad acts rests within its sound discretion and will not be reversed . . . absent manifest error." Somee v. State, 124 Nev. 434, 446, 187 P.3d 152, 160 (2008). At the hearing on the State's motion, the State argued that it "wanted to show that Mr. Shawn was, in fact, identified as doing almost identical crimes on identical victims and so forth in previous instances."

The district court granted the motion in part “pursuant to NRS 48.045” and allowed the State to present evidence pertaining to one of the five proposed elderly individuals previously victimized by Shawn.<sup>1</sup> See NRS 48.045(2) (evidence of bad acts may be admissible to prove “motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident”). We conclude that the factors for admissibility were met, see Tinch v. State, 113 Nev. 1170, 1176, 946 P.2d 1061, 1064-65 (1997), modified by Bigpond v. State, 128 Nev. \_\_\_, \_\_\_, 270 P.3d 1244, 1249-50 (2012); see also Tavares v. State, 117 Nev. 725, 733, 30 P.3d. 1128, 1133 (2001), and the district court did not err by granting the State’s motion in part.

Second, Shawn contends that the district court erred by denying his motions to sever the counts and for a new trial. Shawn fails to offer any cogent argument or relevant authority in support of his contention and therefore he is not entitled to relief on these grounds. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

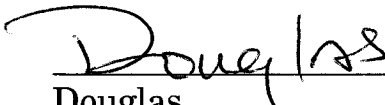
Finally, Shawn contends that cumulative error denied him a fair trial and warrants the reversal of his conviction. Because Shawn failed to demonstrate any error, we conclude that his contention lacks


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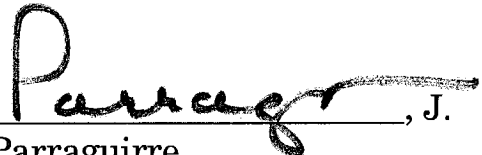
<sup>1</sup>In district court case no. C261008-2, Shawn was convicted of seventeen counts of obtaining money under false pretenses from a victim 60 years of age or older and one count of exploitation of the elderly.

merit. See Pascua v. State, 122 Nev. 1001, 1008 n.16, 145 P.3d 1031, 1035 n.16 (2006). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valorie J. Vega, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk