

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER MICHAEL WALSH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59352

FILED

OCT 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of battery and one count each of malicious injury to a vehicle and carrying a concealed weapon. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.


Appellant Roger Michael Walsh contends that the district court abused its discretion by denying his request to perform a courtroom demonstration in order to defend himself against the charge of malicious injury to a vehicle. Walsh claims that the "physical testimony" he sought to provide was relevant, highly probative, and would prove that he did not willfully break the police car's window.

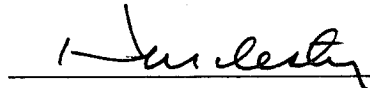
A district court has "considerable discretion in determining the relevance and admissibility of evidence." Crowley v. State, 120 Nev. 30, 34, 83 P.3d 282, 286 (2004) (internal quotation marks omitted). "The decision whether to allow a demonstration rests largely in the discretion of the trial judge, and his decision will not be overturned on appeal absent a clear showing of an abuse of discretion." Isbell v. State, 97 Nev. 222, 227, 626 P.2d 1274, 1277-78 (1981). Here, Walsh did not make his request until the fifth day of trial, during his direct examination. The State objected and the district court denied Walsh's request, stating, "I don't

think it would be appropriate.” Despite the denial, our review of the trial transcript reveals that Walsh was provided with a full and fair opportunity to present his defense to the charge of malicious injury to a vehicle. We conclude that Walsh fails to demonstrate that the district court abused its discretion, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Jessie Elizabeth Walsh, District Judge
Eichhorn & Hoo LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk