

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTICE RANSEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59469

**FILED**

JUL 25 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of assault with a deadly weapon and felon in possession of a firearm. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

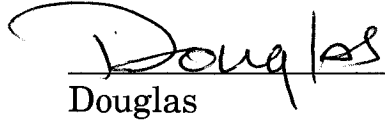
First, appellant Martice Ransey contends that the district court erred by denying his motion for a mistrial because the courtroom clerk presented prejudicial information to the jury in violation of the parties' stipulation. We review a district court's decision to grant or deny a motion for a mistrial for an abuse of discretion. Ledbetter v. State, 122 Nev. 252, 264, 129 P.3d 671, 680 (2006). During the separate trial conducted on the felon-in-possession-of-a-firearm count, the parties stipulated that the jury would be instructed that Ransey was a felon and would not be informed of his criminal history. However, the courtroom clerk inadvertently read the wrong indictment, telling the jury that Ransey had been convicted of attempted robbery before the State and Ransey could voice their objections. The district court conducted a bench conference after which the courtroom clerk read the right indictment to the jury. The district court found that the jury was advised that the charges in the indictment were strictly allegations and did not prove


anything, the State did not violate the stipulation, and Ransey was not prejudiced to an extent that would require a mistrial. We conclude from these circumstances that Ransey has not demonstrated that the district court abused its discretion by denying his motion for a mistrial.

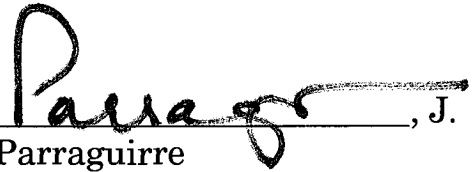
Second, Ransey contends that the district court erred by sustaining the State's objection to documentary evidence he sought to admit during his case-in-chief. We review the district court's decision to admit or exclude evidence for an abuse of discretion or manifest error. Means v. State, 120 Nev. 1001, 1007-08, 103 P.3d 25, 29 (2004). However, the burden is on appellant to provide an adequate record for our review of his assignments of error. Greene v. State, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980). Here, the State objected on relevancy grounds when Ransey attempted to admit a letter and envelope into evidence. The district court conducted a bench conference and sustained the State's objection. Ransey did not provide this court with a transcript of the bench conference. Therefore, we are unable to review Ransey's arguments for admitting the evidence, the State's arguments for excluding the evidence, and the district court's reasons for sustaining the State's objection. We conclude that Ransey has failed to provide an adequate record for our review and has not overcome the presumption that the district court did not commit error in its ruling. Cf. Lee v. Sheriff, 85 Nev. 379, 380-81, 455 P.2d 623, 624 (1969).

Having considered Ransey's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Anthony M. Goldstein  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk