

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICHOLAS ANDREW PALMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60500

FILED

DEC 12 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, pursuant to a guilty plea, of robbery. Second Judicial District Court, Washoe County; Charles M. McGee, Senior Judge.

Appellant Nicholas Andrew Palmer contends that the district court erred by denying his motion to dismiss based on a speedy trial violation.¹ Although we review a district court's decision to grant or deny a motion to dismiss for abuse of discretion, Hill v. State, 124 Nev. 546, 550, 188 P.3d 51, 54 (2008), we review constitutional challenges and questions of law de novo, see, e.g., Bailey v. State, 120 Nev. 406, 407, 91 P.3d 596, 597 (2004).

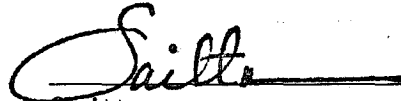
The district court found that the eighteen-month delay between the issuance of the criminal complaint and Palmer's arrest was not "considerably long," there was no evidence of deliberate delay by the State, Palmer asserted his right to a speedy trial three months after his

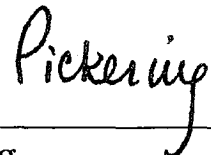
¹The guilty plea agreement specifically preserved Palmer's right to appeal from the denial of the motion to dismiss. See NRS 174.035(3).

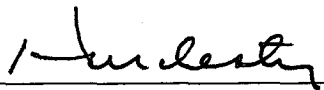
The parties agree that the Honorable Robert Perry denied the motion to dismiss.

arrest, and Palmer did "not appear to be prejudiced by the delay." Assuming that the delay was the result of police negligence, the district court weighed the relevant factors and concluded that Palmer's constitutional right to a speedy trial was not violated. We agree.² See Doggett v. United States, 505 U.S. 647, 655-58 (1992); Barker v. Wingo, 407 U.S. 514, 530-33 (1972); Middleton v. State, 114 Nev. 1089, 1110, 968 P.2d 296, 311 (1998); State v. Fain, 105 Nev. 567, 569-70, 779 P.2d 965, 966-67 (1989). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.


Pickering, J.


Hardesty, J.

cc: Chief Judge, Second Judicial District Court
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²Palmer does not allege a violation of his statutory right to a speedy trial. See NRS 178.556(1).